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SYNOPSIS:

This bill would create the Alabama Property Protection Act of 2026 which would prevent title fraud and classify the existing crime of fraudulent sale of real property as a Class D felony.

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

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

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

This bill would prohibit remote notarization of documents conveying interest in real property under certain circumstances and also make nonsubstantive, technical revisions to update the existing code language to current style.



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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 aggravated fraudulent sale or lease of residential real property and classify the crime as a Class C felony; to add a



57 new Chapter 19J to Title 8, Code of Alabama 1975, to require
58 online real estate platforms to verify ownership for listings
59 in certain transactions; to amend Sections 6-6-540, 6-6-545,
60 and 6-6-571, Code of Alabama 1975, to provide for expedited
61 quiet title actions and recovery of costs and attorney fees in
62 certain quiet title actions; to amend Sections 13A-9-12 and
63 13A-9-22, Code of Alabama 1975, to make fraudulent sale of
64 residential real property a Class D felony and to allow
65 expungement of fraudulent conveyance documents; to amend
66 Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to
67 revise duties of notaries public, to prohibit remote
68 notarization of deeds for certain transactions; and to make
69 nonsubstantive, technical revisions to update the existing
70 code language to current style.

71 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

75 §35-21-1

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

78 (b) The Legislature finds that protecting private
79 property owners from seller impersonation fraud and other
80 forms of title fraud, and ensuring swift remedies when real
81 property is fraudulently conveyed, are essential to the public
82 interest and to the integrity of Alabama's property records
83 and real estate market.

84 §35-21-2



85 For the purposes of this chapter, the term "commission"
86 means the Alabama Securities Commission.

87 §35-21-3

88 (a) The commission shall have authority to investigate
89 claims and administer, implement, and enforce the law under
90 this chapter with respect to all regulated conduct,
91 individuals, and entities described herein, regardless of
92 licensure under any other provision of law. This authority
93 shall not preclude other professional licensing authorities
94 from pursuing professional licensing violations under Chapter
95 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,
96 or Chapter 20 of Title 36.

97 (b) The commission may adopt rules necessary to carry
98 out this chapter, including, but not limited to, rules
99 governing:

100 (1) Consumer complaint intake and resolution
101 procedures;

102 (2) Disclosure forms and content;

103 (3) Examination, reporting, and recordkeeping
104 requirements;

105 (4) Fees, fines, penalty schedules, and remedial
106 measures established by rule;

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

110 (6) Definitions and standards necessary to prevent
111 circumvention of this chapter.

112 (c) The commission may:



113 (1) Conduct investigations and examinations and issue
114 administrative orders detailing its findings;

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

116 (3) Issue subpoenas;

117 (4) Issue cease and desist orders;

118 (5) Impose administrative fines and penalties per
119 violation;

120 (6) Order restitution, rescission, disgorgement, or
121 other remedial relief;

122 (7) Prosecute criminal violations where authorized by
123 law; and

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

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

128 (1) Injunctive or other relief;

129 (2) Civil penalties;

130 (3) Restitution, rescission, or disgorgement;

131 (4) Enforcement of administrative orders;

132 (5) Recovery of investigative and enforcement costs;

133 and

134 (6) Appointment of a receiver.

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

138 (f) Nothing in this chapter shall apply to the
139 acquisition of real property, easements, or rights-of-way for
140 utility infrastructure.



141 §35-21-4

142 (a) When the commission determines, after receiving a
143 complaint and conducting an investigation, that a real
144 property or real estate conveyance occurred as a result of a
145 criminal act or fraud, any proceeds derived from the
146 fraudulent conveyance may be forfeited and deposited into the
147 Alabama Title Fraud Recovery Fund established under Section
148 8-6-61. No person or individual may profit by retaining
149 proceeds from such a conveyance. Bank, credit union, title
150 insurer, state or local government fees, or principal and
151 interest payments to a lender may not be included in
152 forfeiture.

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

156 (c) The commission shall have the authority to
157 administratively determine land fraud and fraudulent
158 conveyance under this chapter. Nothing in this chapter shall
159 limit the jurisdiction of the circuit court to hear de novo
160 appeals or to grant equitable relief consistent with a final
161 administrative order of the commission.

162 35-21-5

163 (a) A real estate agent or broker licensed under
164 Chapter 27 of Title 34 may not enter into an agreement to sell
165 or lease real property when the seller is unknown to the real
166 estate agent or broker and is not physically present to meet
167 with the real estate agent or broker, unless the seller
168 provides government-issued identification and ownership



169 records of the real property.

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

175 (c) Documentation demonstrating compliance with this
176 section shall constitute an affirmative defense to a civil
177 claim brought under this chapter. The existence of this
178 affirmative defense shall be a question of law for the court
179 and may be decided on a motion for summary judgment.

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

186 §35-21-6

187 (a) The commission may fund a statewide real property
188 notification alert system that notifies a real property owner
189 by text or email when a recording is made on his or her real
190 property.

191 (b) The commission may provide training and assistance
192 to any municipal, county, or state entity, their staff, and
193 real property owners on real estate fraud prevention and
194 consumer education.

195 §35-21-7

196 The expedited quiet title process established in



197 Section 6-6-540 applies to transactions in this chapter.

198 §35-21-8

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

202 (b) If the commission determines that a real property
203 conveyance resulted from a criminal act or fraud involving the
204 true ownership of the real property, the commission may issue
205 a final administrative order declaring the conveyance void.
206 The commission, in the same order, may impose civil penalties,
207 order restitution or disgorgement, and assess any other
208 remedies authorized by law.

209 (c) A final administrative order issued by the
210 commission declaring a conveyance void shall be legally
211 binding and enforceable. The administrative order shall not be
212 stayed except by order of the circuit court in a timely filed
213 de novo appeal.

214 (d) Upon issuance of a final administrative order, the
215 commission shall serve a copy of the order by certified mail
216 upon the complainant and all parties to the proceeding. The
217 complainant may file a certified copy of the final
218 administrative order in the circuit court of the county where
219 the real property is located for purposes of enforcement and
220 quiet title relief.

221 §35-21-9

222 (a) Any party aggrieved by a final administrative order
223 of the commission may seek judicial review by filing an appeal
224 in the circuit court of the county where the real property is



225 located no later than 30 days after the date of the final
226 administrative order. The circuit court shall apply a de novo
227 standard of review.

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

231 §35-21-10

232 (a) If no timely appeal is filed, the circuit court,
233 upon a quiet title petition by the complainant with a copy of
234 the administrative order attached, shall enter an order
235 enforcing the final administrative order no later than 30 days
236 from the filing date of the quiet title petition without
237 further evidentiary hearing or procedural delay. The court may
238 waive the filing fees and court costs for good cause shown.
239 The enforcement order shall:

240 (1) Declare the fraudulent conveyance or attempted
241 conveyance void;

242 (2) Direct the judge of probate to nullify any recorded
243 instrument that clouds title or conflicts with the
244 administrative order; and

245 (3) Quiet title in favor of the rightful real property
246 owner.

247 (b) Upon receipt of a quiet title enforcement order
248 issued to the circuit court pursuant to this section, the
249 judges of probate shall promptly record the circuit court
250 order and administrative order.

251 (c) The judge of probate may comply with an enforcement
252 order under this section by recording the enforcement order in



253 the official real property records and making a marginal
254 notation on the voided instrument referencing the recorded
255 order, or making a cross reference to the voided instrument
256 when recording the enforcement order.

257 §35-21-11

258 (a) When the commission determines, after receiving a
259 complaint and conducting an investigation, that a real
260 property or real estate conveyance occurred as a result of a
261 criminal act or fraud, any proceeds derived from the
262 fraudulent conveyance may be ordered to be forfeited and
263 deposited into the Alabama Title Fraud Recovery Fund
264 established under Section 8-6-61, unless otherwise ordered by
265 the circuit court.

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

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

274 §35-21-12

275 The crimes of fraudulent sale or lease of residential
276 real property or aggravated fraudulent conveyance of real
277 property established in Article 1, Chapter 9 of Title 13A does
278 not preclude the state from pursuing additional criminal
279 prosecution as authorized by law.

280 Section 2. Sections 8-6-61, 12-13-55, and 13A-9-23 are



281 added to the Code of Alabama 1975, to read as follows:

282 §8-6-61

283 (a) There is established in the State Treasury an
284 Alabama Title Fraud Recovery Fund to be administered by the
285 Alabama Securities Commission in accordance with this section.
286 The fund shall be budgeted and allotted in accordance with
287 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

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

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

296 (2) The fund shall not issue payments based on consent
297 judgments.

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

301 (d) Any person with a claim for title conveyance fraud
302 may submit a written complaint to the commission, which may
303 investigate the complaint.

304 (e) During the investigation of a complaint, the
305 commission may:

- 306 (1) Hold hearings;
307 (2) Subpoena witnesses;
308 (3) Administer oaths;



309 (4) Examine any individual under oath; and

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

312 (f) If an individual fails to comply with a subpoena
313 issued by the commission or to testify on matters for which
314 the individual may be questioned under this section, the
315 commission may petition a court of competent jurisdiction for
316 enforcement.

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

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

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

326 (h) Any final order issued by the commission shall be
327 legally binding and shall not be stayed except by order of the
328 circuit court in a timely filed appeal. Any party dissatisfied
329 with a final judgment or decision by the commission may appeal
330 to the circuit court where the property is located no later
331 than 30 days from the date of the final administrative order
332 of the Alabama Securities Commission. For appeals, the
333 commission shall provide a certified transcript of the
334 proceedings and actions taken by the commission to the circuit
335 court to which the appeal is taken.

336 (i) The judge of probate may comply with an



337 administrative order under this section by recording the
338 enforcement order in the official real property records and
339 making a marginal notation on the voided instrument
340 referencing the recorded order, or by making a cross reference
341 to the voided instrument when recording the administrative
342 order.

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

346 (2) Banks, credit unions, title insurers, and state or
347 local governments shall not be subject to civil penalties
348 under this section.

349 §12-13-55

350 (a) In cooperation with the Alabama Securities
351 Commission, each judge of probate may establish a real
352 property owner notification service that informs owners of
353 real property in the county whenever a document is recorded in
354 the name of the real property owner or the address of the real
355 property owner registered with the recording clerk where the
356 property is located.

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

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

363 §13A-9-23

364 (a) A person commits the crime of aggravated fraudulent



365 sale or lease of residential real property if, with the intent
366 to defraud:

367 (1) The person either: (i) lists, advertises, or causes
368 the listing or advertisement of residential real property for
369 sale knowing that the person or the purported seller has no
370 legal title or authority to sell the real property; or (ii)
371 rents, leases, or causes the rental or leasing of real
372 property knowing the person or the purported lessor has no
373 legal ownership or authority to lease the property; and

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

377 (b) Aggravated fraudulent sale of real property is a
378 Class C felony.

379 Section 3. Chapter 19J, commencing with Section
380 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as
381 follows:

382 Chapter 19J

383 §8-19J-1

384 For the purposes of this chapter, the term "online real
385 estate platform" means: (i) a digital media platform whose
386 primary business purpose is to publicly advertise real estate
387 for sale or lease; or (ii) a real estate website whose primary
388 purpose is publicly advertising real estate for sale or lease.
389 For purposes of this chapter, an online real estate platform
390 does not include:

391 (1) Nonpublic websites, portals, list serves, social
392 media websites, or news sites.



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

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

398 §8-19J-2

399 (a) For a listing that originates from an online real
400 estate platform through a direct contract with the property
401 owner and is not first listed with a licensed real estate
402 broker, real estate brokerage, or multiple listing service,
403 the platform shall require the following before publishing,
404 hosting, advertising, or otherwise publicly disseminating real
405 property for sale or lease:

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

409 (2) A copy of the official county recorder's records
410 showing the owner of record, a copy of the deed to the real
411 property with the owner's name, or a title history.

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

415 §8-19J-3

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

420 (b) The current owner of record of real property may



421 submit a written request to an online real estate platform to
422 remove interior photos or videos of the owner's property from
423 public display.

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

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

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

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

433 (e) This section shall not be construed to prohibit the
434 retention of interior photos or videos for archival, legal
435 compliance, fraud prevention, or internal business purposes,
436 provided such photos or videos are not publicly displayed
437 after a valid removal request.

438 §8-19J-4

439 (a) An online real estate platform that follows the
440 practices outlined in Sections 8-19J-2 and 8-19J-3 shall
441 create a rebuttable presumption that the platform acted
442 reasonably. Such adherence does not preclude administrative
443 action by the commission. The existence of the presumption
444 shall be a question of law for the court and may be determined
445 on a motion for summary judgment.

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



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

453 §8-19J-5

454 No Internet service provider, or its affiliates or
455 subsidiaries, search engine, or cloud service provider shall
456 be considered to have violated this chapter solely for
457 providing access or connection to or from a website, to
458 content on the Internet, or to a facility, system, or network
459 not under that provider's control, including transmission,
460 download, intermediate storage, or access software.

461 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12
462 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are
463 amended to read as follows:

464 "§6-6-540

465 (a) When any person is in peaceable possession of
466 lands, whether actual or constructive, claiming to own the
467 same, in his or her own right or as a personal representative
468 or guardian, and his or her title ~~thereto~~, or any part
469 thereof, is denied or disputed or any other person claims or
470 is reputed to own the same, any part thereof, or any interest
471 therein or to hold any lien or encumbrance thereon and no
472 action is pending to enforce or test the validity of ~~such~~ the
473 title, claim, or encumbrance, ~~such~~ the person or his or her
474 personal representative or guardian, ~~so~~ in possession, may
475 commence an action to settle the title to such lands and to
476 clear up all doubts or disputes concerning the same.



477 (b) (1) An expedited quiet title action against a parcel
478 of real property may be maintained under this article based on
479 a fraudulent title conveyance allegation. All actions to quiet
480 title based on fraudulent title conveyance allegations must be
481 brought in the circuit court where the real property is
482 located which shall have equitable jurisdiction pursuant to
483 Section 12-11-31.

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

489 b. In an expedited action to quiet title under this
490 section, when the court determines that an attempt was made to
491 fraudulently convey the land at issue from a plaintiff who had
492 legal title to the land before the conveyance, the court shall
493 quiet title in and award the plaintiff with the same title and
494 rights to the land that the plaintiff enjoyed before the
495 attempted conveyance.

496 (3) A petitioner may file a single petition with the
497 clerk of the circuit court for the judicial circuit in which
498 the subject property is located for an order to quiet title
499 and expedite foreclosure to one or more parcels of real
500 property under this section. The petition shall identify each
501 parcel by its legal description, tax parcel number, and street
502 address, if available.

503 (4) The Administrative Office of Courts shall provide a
504 simplified form for the filing of a complaint to quiet title



505 based on a fraudulent title conveyance allegation and
506 instructions for completing the form."

507 "§6-6-545

508 (a) No judgment for costs shall be had under this
509 division against a defendant ~~who suffers a judgment by default~~
510 ~~against him~~ against whom a plaintiff receives a default
511 judgment or who, in his or her answer, disclaims all title to,
512 interest in, or encumbrance on the lands; ~~but the~~ The court
513 ~~shall~~, in those cases, and without further proof, shall
514 adjudge that ~~such the~~ defendant has no estate or interest in
515 or encumbrance on such lands, or any part thereof. Any
516 defendant who ~~shall~~, by answer under oath, ~~deny~~ denies that he
517 or she claims, or ever has claimed, or pretended to have any
518 estate, interest, or encumbrance in, or upon, or such lands, or
519 any part ~~thereof~~ of the lands, shall be entitled to recover
520 his or her costs in the action.

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

527 "§6-6-571

528 (a) The court ~~shall have the power to~~ may assess the
529 cost of a hearing held pursuant to the terms of this division,
530 including the fee of the guardian ad litem, to the
531 plaintiffs, and provided, ~~that should some of the defendants file~~
532 that if any defendant files counterclaims or ~~should certain~~



533 ~~persons intervene~~ any person intervenes, the cost shall be
534 assessed by the court as justice may require.

535 (b) In any case where it is found that the defendant
536 fraudulently created the instrument that is sought to be
537 canceled, the plaintiff shall be entitled to recover all
538 costs, including reasonable attorney fees, incurred in
539 bringing the action to cancel the instrument."

540 "§13A-9-12

541 (a) A person commits the crime of offering a false
542 instrument for recording if, knowing that a written instrument
543 relating to or affecting real or personal property, or an
544 interest therein, or directly affecting contractual
545 relationships contains a material false statement or material
546 false information, and with intent to defraud, he or she
547 presents or offers it to a public office or a public employee,
548 with the knowledge that it will be registered, filed, or
549 recorded or will become a part of the records of that public
550 office or public employee.

551 (b) Offering a false instrument for recording is a
552 Class A misdemeanor.

553 (c) A person commits the crime of offering a false
554 instrument for recording against a public servant if the
555 person offers, for recording, a written instrument ~~which~~ that
556 relates to or affects the real or personal property, or an
557 interest therein, or a contractual relationship of a public
558 servant, knowing that the written instrument contains a
559 materially false statement or materially false information,
560 with the intent to defraud, intimidate, or harass the public



561 servant, or to impede the public servant in the performance of
562 his or her duties. For the purposes of this subsection, public
563 servant is defined as in Section 13A-10-1.

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

566 (e) (1) A ~~recording official~~ judge of probate may
567 nullify or expunge from an official record a false or
568 fraudulent lien, deed, or other instrument. A person or entity
569 whose rights are affected by the filing of a lien, deed, or
570 other instrument may petition a ~~recording official~~ judge of
571 probate to nullify or expunge the filing. If a lien, deed, or
572 other instrument is recorded with more than one ~~recording~~
573 ~~official~~ judge of probate, ~~then~~ the petitioner may file such a
574 petition with any such ~~recording official~~ judge of probate,
575 but may file only one ~~such~~ petition, and any decision rendered
576 on that petition in accordance with the procedures outlined in
577 this subsection shall be equally applicable to all other
578 filings. ~~Such~~ The petition shall be in writing and sworn under
579 oath and based upon the personal knowledge of the petitioner.
580 A copy of ~~such~~ the petition shall be delivered via certified
581 and first class mail to the person or entity who filed the
582 lien, deed, or other instrument or who claims the rights or
583 interests thereby at an address shown on the lien, deed, or
584 other instrument.

585 (2) Within 14 days of the filing of ~~such~~ a petition
586 pursuant to subdivision (1), the ~~recording official~~ judge of
587 probate shall give written notice of the filing of the
588 petition to the person or entity who filed the lien, deed, or



589 other instrument or who claims the rights or interests
590 thereby. ~~Such~~ The notice shall be sent by certified and first
591 class mail, shall be deemed delivered when placed in the mail,
592 and shall state that any additional proof of the validity of
593 the lien, deed or other instrument shall be filed with the
594 ~~recording official~~ judge of probate within 14 days of the date
595 of mailing the notice and that the failure to do so could
596 result in the lien, deed or other instrument being nullified
597 or expunged. The judge of probate's written notice may be
598 waived upon submission to the recording official of a written
599 waiver of notice, sworn to by the person who filed the false
600 or fraudulent lien, deed, or other instrument, or who claims
601 rights or interest under the document.

602 (3) If the ~~recording official~~ judge of probate does not
603 grant the petition within 28 days of the date that it is
604 filed, the petition shall be deemed denied. An order granting
605 or denying a petition, if rendered, shall be delivered to the
606 parties by the ~~recording official~~ judge of probate by
607 certified first class mail, but shall not be enforced, acted
608 upon, or effective before the expiration of 28 days from the
609 date of mailing or the final adjudication of ~~any and~~ all
610 appeals of that decision, at which time any final order
611 granting the petition shall be recorded and indexed in order
612 to provide notice that the lien, deed, or other instrument has
613 been nullified or expunged.

614 (4) A final order granting the petition shall: (i)
615 state the names of the persons referenced in the false or
616 fraudulent lien, deed, or other instrument; (ii) state the



617 indexing and recording information for that lien, deed, or
618 other instrument; and (iii) declare that the false or
619 fraudulent lien, deed, or other instrument is nullified and
620 expunged.

621 (5) A party may appeal the decision of the ~~recording~~
622 ~~official~~ judge of probate to the circuit court of any county
623 where the lien, deed, or other instrument was filed or to the
624 Circuit Court of Montgomery County, Alabama. ~~Such appeals~~ An
625 appeal must be filed within 28 days of the ~~recording official~~
626 ~~judge of probate's~~ order or deemed denied. ~~Such appeals~~
627 Appeals shall be filed and commenced as a civil action under
628 the Alabama Rules of Civil Procedure, which shall otherwise
629 apply to such actions on appeal. A notice of the appeal shall
630 also be filed with the ~~recording official~~ judge of probate,
631 who shall file the notice as a lis pendens filing. The appeal
632 shall be de novo by the circuit court without a jury. ~~The~~
633 ~~prevailing party on appeal shall be entitled to a judgement~~
634 ~~against the other party for the prevailing party's attorneys~~
635 ~~fees and expenses arising out of and relating to the appeal,~~
636 ~~and court costs shall be taxed against the non-prevailing~~
637 ~~party.~~ The remedy and procedure provided in this subsection is
638 not exclusive or mandatory. Nothing in this subsection shall
639 prevent the enforcement or challenge of any recorded lien or
640 instrument as may otherwise be allowed by law. Nothing in this
641 section alters or modifies any other requirements for the
642 filing, enforcement, or challenge of any lien, deed, or other
643 instrument required or allowed by law."

644 "§13A-9-22



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

648 (1) Lists ~~or,~~ advertises, or causes to list or
649 advertise residential real property for sale knowing that he
650 or she or the purported seller has no legal title or authority
651 to sell the property.

652 (2) Rents ~~or,~~ leases, or causes to rent or lease
653 residential real property to another person knowing that he or
654 she or the purported lessor has no legal ownership or other
655 authority to lease the property.

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

658 "§36-20-73

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

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

662 (2) Take the acknowledgment or proof of instruments of
663 writing relating to commerce or navigation and certify the
664 same and all other of their official acts under their seal of
665 office.

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

671 (4) Exercise such other powers, according to commercial
672 usage or the laws of this state, as may belong to notaries



673 public.

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

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

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

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

682 "§36-20-73.1

683 (a) Except as otherwise provided in this section, any
684 signature acknowledged by a notary public shall be executed
685 within this state and shall be executed in the physical
686 presence of the notary public at the time of the
687 acknowledgment, only after the notary public has positively
688 identified the prospective signatory via personal knowledge of
689 the prospective signatory or the examination of photo
690 identification issued by a governmental entity or agency.

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

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

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

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



701 (d) For purposes of this article, and subject to
702 subsections (e) to (g), inclusive, an individual may
703 personally appear before an acknowledging notary by either of
704 the following:

705 (1) Physically appearing before the notary as provided
706 in subsection (a).

707 (2) Appearing through the use of two-way audio-video
708 communication technology that allows a notary public and a
709 remotely located signatory to communicate with each other
710 simultaneously by sight and sound, provided that: (i) the
711 notary public is physically located in this state; and (ii)
712 the two-way audio-video communication is recorded and
713 maintained for a period of seven years by the notary public.

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

716 ~~(1) If appearing through the use of two-way audio-video~~
717 ~~communication, the~~The identity of the signatory shall be
718 verified by the notary public using either of the following
719 methods:

720 ~~(1)~~a. The personal knowledge of the notary public of
721 the identity of the signatory.

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

725 ~~b.~~2. A process by which the notary public verifies the
726 identity of the signatory through a review of public or
727 private data sources.

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



729 located signatory does not appear, in the judgment of the
730 electronic notary, to be incompetent, lacking in understanding
731 of the nature and consequences of the transaction requiring
732 the notarial act, or acting involuntarily, under duress, or
733 under undue influence.

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

736 (4) The notary shall inform the participants that
737 Alabama law requires that a recording be made of the remote
738 electronic notarization.

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

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

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

744 (2) A description of the documents to which the remote
745 notarial act relates.

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

748 (4) A description of how the identification of the
749 signatory was verified.

750 (5) A clear image of any government issued
751 identification, if applicable.

752 (6) A clear image of the act of signing observed by the
753 notary public.

754 (g) The official date and time of the notarization is
755 the date and time the notary public witnessed the signature,
756 including the date and time the signature was witnessed via



757 two-way audio-video communication technology. All documents
758 used during the two-way audio-video communication, shall be
759 provided to the notary public for his or her authentication
760 and original signature.

761 (h) An electronic notary shall refuse to perform a
762 remote electronic notarial act if either of the following
763 applies:

764 (1) The electronic notary has reasonable grounds to
765 believe the remotely located signatory appears in the judgment
766 of the electronic notary to be incompetent, lacking in
767 understanding of the nature and consequences of the
768 transaction requiring the notarial act, or acting
769 involuntarily, under duress, or under undue influence.

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

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

777 ~~(i)~~ (j) Remote notarization may not be used to notarize
778 an absentee ballot application or an absentee ballot
779 affidavit, or for any purpose related to voting."

780 Section 5. This act shall become effective on October
781 1, 2026.