

SB292 ENROLLED



1 SB292
2 84XZU2F-2
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 10-Feb-26



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1 Enrolled, An Act,

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4 Relating to title fraud; to add a new Chapter 21 to
5 Title 35, Code of Alabama 1975, to create the Alabama Property
6 Protection Act of 2026; to establish a consumer administrative
7 complaint process through the Alabama Securities Commission;
8 to authorize the commission to investigate and take action
9 against alleged fraud in certain real estate conveyances
10 including voiding fraudulent conveyances; to require
11 settlement agents to verify identity of a seller prior to
12 closing and to maintain identification documentation for five
13 years; to allow appeals to the circuit court of administrative
14 orders regarding the validity of real property conveyances; to
15 provide that circuit court shall use a de novo standard of
16 review for appeals; to add Sections 8-6-61, 12-13-55, and
17 13A-9-23 to the Code of Alabama 1975, to create the Alabama
18 Title Fraud Recovery Fund to be administered by the Alabama
19 Securities Commission; to grant the Alabama Securities
20 Commission investigative and enforcement authority; to
21 authorize civil penalties for certain fraudulent conveyance
22 actions; to allow judges of probate to establish a real
23 property owner notification service; to establish the crime of
24 aggravated fraudulent sale or lease of residential real
25 property and classify the crime as a Class C felony; to add a
26 new Chapter 19J to Title 8, Code of Alabama 1975, to require
27 online real estate platforms to verify ownership for listings
28 in certain transactions; to amend Sections 6-6-540, 6-6-545,



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29 and 6-6-571, Code of Alabama 1975, to provide for expedited
30 quiet title actions and recovery of costs and attorney fees in
31 certain quiet title actions; to amend Sections 13A-9-12 and
32 13A-9-22, Code of Alabama 1975, to make fraudulent sale of
33 residential real property a Class D felony and to allow
34 expungement of fraudulent conveyance documents; to amend
35 Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to
36 revise duties of notaries public, to prohibit remote
37 notarization of deeds for certain transactions; and to make
38 nonsubstantive, technical revisions to update the existing
39 code language to current style.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Chapter 21, commencing with Section 35-21-1,
42 is added to Title 35, Code of Alabama 1975, to read as
43 follows:

44 §35-21-1

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

47 (b) The Legislature finds that protecting private
48 property owners from seller impersonation fraud and other
49 forms of title fraud, and ensuring swift remedies when real
50 property is fraudulently conveyed, are essential to the public
51 interest and to the integrity of Alabama's property records
52 and real estate market.

53 §35-21-2

54 For the purposes of this chapter, the term "commission"
55 means the Alabama Securities Commission.

56 §35-21-3



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

66 (b) The commission may adopt rules necessary to carry
67 out this chapter, including, but not limited to, rules
68 governing:

69 (1) Consumer complaint intake and resolution
70 procedures;

71 (2) Disclosure forms and content;

72 (3) Examination, reporting, and recordkeeping
73 requirements;

74 (4) Fees, fines, penalty schedules, and remedial
75 measures established by rule;

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

79 (6) Definitions and standards necessary to prevent
80 circumvention of this chapter.

81 (c) The commission may:

82 (1) Conduct investigations and examinations and issue
83 administrative orders detailing its findings;

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



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85 (3) Issue subpoenas;

86 (4) Issue cease and desist orders;

87 (5) Impose administrative fines and penalties per
88 violation;

89 (6) Order restitution, rescission, disgorgement, or
90 other remedial relief;

91 (7) Prosecute criminal violations where authorized by
92 law; and

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

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

97 (1) Injunctive or other relief;

98 (2) Civil penalties;

99 (3) Restitution, rescission, or disgorgement;

100 (4) Enforcement of administrative orders;

101 (5) Recovery of investigative and enforcement costs;

102 and

103 (6) Appointment of a receiver.

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

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

110 §35-21-4

111 (a) When the commission determines, after receiving a
112 complaint and conducting an investigation, that a real



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

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

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

133 35-21-5

134 (a) A real estate agent or broker licensed under
135 Chapter 27 of Title 34 may not enter into an agreement to sell
136 or lease real property when the seller is unknown to the real
137 estate agent or broker and is not physically present to meet
138 with the real estate agent or broker, unless the seller
139 provides government-issued identification and ownership
140 records of the real property.



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

146 (c) Documentation demonstrating compliance with this
147 section shall constitute an affirmative defense to a civil
148 claim brought under this chapter. The existence of this
149 affirmative defense shall be a question of law for the court
150 and may be decided on a motion for summary judgment.

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

157 §35-21-6

158 (a) The commission may fund a statewide real property
159 notification alert system that notifies a real property owner
160 by text or email when a recording is made on his or her real
161 property.

162 (b) The commission may provide training and assistance
163 to any municipal, county, or state entity, their staff, and
164 real property owners on real estate fraud prevention and
165 consumer education.

166 §35-21-7

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



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169 §35-21-8

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

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

180 (c) A final administrative order issued by the
181 commission declaring a conveyance void shall be legally
182 binding and enforceable. The administrative order shall not be
183 stayed except by order of the circuit court in a timely filed
184 de novo appeal.

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

192 §35-21-9

193 (a) Any party aggrieved by a final administrative order
194 of the commission may seek judicial review by filing an appeal
195 in the circuit court of the county where the real property is
196 located no later than 30 days after the date of the final



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197 administrative order.

198 (b) An appeal to the circuit court shall be tried de
199 novo.

200 §35-21-10

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

209 (1) Declare the fraudulent conveyance or attempted
210 conveyance void;

211 (2) Direct the judge of probate to nullify any recorded
212 instrument that clouds title or conflicts with the
213 administrative order; and

214 (3) Quiet title in favor of the rightful real property
215 owner.

216 (b) Upon receipt of a quiet title enforcement order
217 issued to the circuit court pursuant to this section, the
218 judges of probate shall promptly record the circuit court
219 order and administrative order.

220 (c) The judge of probate may comply with an enforcement
221 order under this section by recording the enforcement order in
222 the official real property records and making a marginal
223 notation on the voided instrument referencing the recorded
224 order, or making a cross reference to the voided instrument



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225 when recording the enforcement order.

226 §35-21-11

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

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

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

243 §35-21-12

244 The crimes of fraudulent sale or lease of residential
245 real property or aggravated fraudulent conveyance of real
246 property established in Article 1, Chapter 9 of Title 13A does
247 not preclude the state from pursuing additional criminal
248 prosecution as authorized by law.

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

251 §8-6-61

252 (a) There is established in the State Treasury an



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253 Alabama Title Fraud Recovery Fund to be administered by the
254 Alabama Securities Commission in accordance with this section.
255 The fund shall be budgeted and allotted in accordance with
256 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

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

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

265 (2) The fund shall not issue payments based on consent
266 judgments.

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

270 (d) Any person with a claim for title conveyance fraud
271 may submit a written complaint to the commission, which may
272 investigate the complaint.

273 (e) During the investigation of a complaint, the
274 commission may:

275 (1) Hold hearings;

276 (2) Subpoena witnesses;

277 (3) Administer oaths;

278 (4) Examine any individual under oath; and

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



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281 (f) If an individual fails to comply with a subpoena
282 issued by the commission or to testify on matters for which
283 the individual may be questioned under this section, the
284 commission may petition a court of competent jurisdiction for
285 enforcement.

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

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

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

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

305 (i) The judge of probate may comply with an
306 administrative order under this section by recording the
307 enforcement order in the official real property records and
308 making a marginal notation on the voided instrument



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309 referencing the recorded order, or by making a cross reference
310 to the voided instrument when recording the administrative
311 order.

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

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

320 (3) Documentation demonstrating compliance with the
321 requirements of Section 35-21-5 shall constitute an
322 affirmative defense to any civil penalty under this section
323 for individuals acting as a real estate agent or settlement
324 agent.

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

328 §12-13-55

329 (a) In cooperation with the Alabama Securities
330 Commission, each judge of probate may establish a real
331 property owner notification service that informs owners of
332 real property in the county whenever a document is recorded in
333 the name of the real property owner or the address of the real
334 property owner registered with the recording clerk where the
335 property is located.

336 (b) Once established, the property owner notification



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337 service shall be free and available to any property owner who
338 owns real property in the county.

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

342 §13A-9-23

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

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

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

356 (b) Aggravated fraudulent sale of real property is a
357 Class C felony.

358 Section 3. Chapter 19J, commencing with Section
359 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as
360 follows:

361 Chapter 19J

362 §8-19J-1

363 For the purposes of this chapter, the term "online real
364 estate platform" means: (i) a digital media platform whose



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365 primary business purpose is to publicly advertise real estate
366 for sale or lease; or (ii) a real estate website whose primary
367 purpose is publicly advertising real estate for sale or lease.
368 For purposes of this chapter, an online real estate platform
369 does not include:

370 (1) Nonpublic websites, portals, list serves, social
371 media websites, or news sites.

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

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

377 §8-19J-2

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

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

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

392 (b) An online real estate platform may satisfy the



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393 requirements of this section by using a third-party identity
394 or title verification service.

395 §8-19J-3

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

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

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

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

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

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

413 (e) This section shall not be construed to prohibit the
414 retention of interior photos or videos for archival, legal
415 compliance, fraud prevention, or internal business purposes,
416 provided such photos or videos are not publicly displayed
417 after a valid removal request.

418 §8-19J-4

419 (a) An online real estate platform that follows the
420 practices outlined in Sections 8-19J-2 and 8-19J-3 shall



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421 create a rebuttable presumption that the platform acted
422 reasonably. Such adherence does not preclude administrative
423 action by the commission. The existence of the presumption
424 shall be a question of law for the court and may be determined
425 on a motion for summary judgment.

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

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

433 §8-19J-5

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

441 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12
442 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are
443 amended to read as follows:

444 "§6-6-540

445 (a) When any person is in peaceable possession of
446 lands, whether actual or constructive, claiming to own the
447 same, in his or her own right or as a personal representative
448 or guardian, and his or her title ~~thereto~~, or any part



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449 thereof, is denied or disputed or any other person claims or
450 is reputed to own the same, any part thereof, or any interest
451 therein or to hold any lien or encumbrance thereon and no
452 action is pending to enforce or test the validity of ~~such~~ the
453 title, claim, or encumbrance, ~~such~~ the person or his or her
454 personal representative or guardian, ~~so~~ in possession, may
455 commence an action to settle the title to such lands and to
456 clear up all doubts or disputes concerning the same.

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

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

469 b. In an expedited action to quiet title under this
470 section, when the court determines that an attempt was made to
471 fraudulently convey the land at issue from a plaintiff who had
472 legal title to the land before the conveyance, the court shall
473 quiet title in and award the plaintiff with the same title and
474 rights to the land that the plaintiff enjoyed before the
475 attempted conveyance.

476 (3) A petitioner may file a single petition with the



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477 clerk of the circuit court for the judicial circuit in which
478 the subject property is located for an order to quiet title
479 and expedite an action to invalidate a fraudulent instrument
480 to one or more parcels of real property under this section.
481 The petition shall identify each parcel by its legal
482 description, tax parcel number, and street address, if
483 available.

484 (4) The Administrative Office of Courts shall provide a
485 simplified form for the filing of a complaint to quiet title
486 based on a fraudulent title conveyance allegation and
487 instructions for completing the form."

488 "§6-6-545

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

502 (b) In any case where the court finds that the
503 defendant fraudulently created or caused to be created the
504 instrument that is sought to be cancelled, the plaintiff shall



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505 be entitled to recover all costs, including reasonable
506 attorney fees, incurred in bringing the action to cancel the
507 instrument."

508 "§6-6-571

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

516 (b) In any case where it is found that the defendant
517 fraudulently created the instrument that is sought to be
518 canceled, the plaintiff shall be entitled to recover all
519 costs, including reasonable attorney fees, incurred in
520 bringing the action to cancel the instrument."

521 "§13A-9-12

522 (a) A person commits the crime of offering a false
523 instrument for recording if, knowing that a written instrument
524 relating to or affecting real or personal property, or an
525 interest therein, or directly affecting contractual
526 relationships contains a material false statement or material
527 false information, and with intent to defraud, he or she
528 presents or offers it to a public office or a public employee,
529 with the knowledge that it will be registered, filed, or
530 recorded or will become a part of the records of that public
531 office or public employee.

532 (b) Offering a false instrument for recording is a



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533 Class A misdemeanor.

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

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

547 (e) (1) A ~~recording official judge of probate~~ may
548 nullify or expunge from an official record a false or
549 fraudulent lien, deed, or other instrument. A person or entity
550 whose rights are affected by the filing of a lien, deed, or
551 other instrument may petition a ~~recording official judge of~~
552 probate to nullify or expunge the filing. If a lien, deed, or
553 other instrument is recorded with more than one ~~recording~~
554 official judge of probate, ~~then~~ the petitioner may file such a
555 petition with any such ~~recording official judge of probate~~,
556 but may file only one ~~such~~ petition, and any decision rendered
557 on that petition in accordance with the procedures outlined in
558 this subsection shall be equally applicable to all other
559 filings. ~~Such~~ The petition shall be in writing and sworn under
560 oath and based upon the personal knowledge of the petitioner.



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561 A copy of ~~such~~ the petition shall be delivered via certified
562 and first class mail to the person or entity who filed the
563 lien, deed, or other instrument or who claims the rights or
564 interests thereby at an address shown on the lien, deed, or
565 other instrument.

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

583 (3) If the ~~recording official~~ judge of probate does not
584 grant the petition within 28 days of the date that it is
585 filed, the petition shall be deemed denied. An order granting
586 or denying a petition, if rendered, shall be delivered to the
587 parties by the ~~recording official~~ judge of probate by
588 certified first class mail, but shall not be enforced, acted



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589 upon, or effective before the expiration of 28 days from the
590 date of mailing or the final adjudication of ~~any and all~~
591 appeals of that decision, at which time any final order
592 granting the petition shall be recorded and indexed in order
593 to provide notice that the lien, deed, or other instrument has
594 been nullified or expunged.

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

602 (5) A party may appeal the decision of the ~~recording~~
603 official ~~judge of probate~~ to the circuit court of any county
604 where the lien, deed, or other instrument was filed or to the
605 Circuit Court of Montgomery County, Alabama. ~~Such appeals~~ An
606 appeal must be filed within 28 days of the ~~recording official~~
607 judge of probate's order or deemed denied. ~~Such appeals~~
608 Appeals shall be filed and commenced as a civil action under
609 the Alabama Rules of Civil Procedure, which shall otherwise
610 apply to such actions on appeal. A notice of the appeal shall
611 also be filed with the ~~recording official~~ judge of probate,
612 who shall file the notice as a lis pendens filing. The appeal
613 shall be de novo by the circuit court without a jury. ~~The~~
614 ~~prevailing party on appeal shall be entitled to a judgement~~
615 ~~against the other party for the prevailing party's attorneys~~
616 ~~fees and expenses arising out of and relating to the appeal,~~



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617 ~~and court costs shall be taxed against the non-prevailing~~
618 ~~party.~~ The remedy and procedure provided in this subsection is
619 not exclusive or mandatory. Nothing in this subsection shall
620 prevent the enforcement or challenge of any recorded lien or
621 instrument as may otherwise be allowed by law. Nothing in this
622 section alters or modifies any other requirements for the
623 filing, enforcement, or challenge of any lien, deed, or other
624 instrument required or allowed by law."

625 "§13A-9-22

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

629 (1) ~~Lists or,~~ advertises, or causes to list or
630 advertise residential real property for sale knowing that he
631 or she or the purported seller has no legal title or authority
632 to sell the property.

633 (2) ~~Rents or,~~ leases, or causes to rent or lease
634 residential real property to another person knowing that he or
635 she or the purported lessor has no legal ownership or other
636 authority to lease the property.

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

639 "§36-20-73

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

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

643 (2) Take the acknowledgment or proof of instruments of
644 writing relating to commerce or navigation and certify the



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645 same and all other of their official acts under their seal of
646 office.

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

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

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

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

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

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

663 "§36-20-73.1

664 (a) Except as otherwise provided in this section, any
665 signature acknowledged by a notary public shall be executed
666 within this state and shall be executed in the physical
667 presence of the notary public at the time of the
668 acknowledgment, only after the notary public has positively
669 identified the prospective signatory via personal knowledge of
670 the prospective signatory or the examination of photo
671 identification issued by a governmental entity or agency.

672 (b) For the purposes of this section, the following



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673 terms shall have the following meanings:

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

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

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

682 (d) For purposes of this article, and subject to
683 subsections (e) to (g), inclusive, an individual may
684 personally appear before an acknowledging notary by either of
685 the following:

686 (1) Physically appearing before the notary as provided
687 in subsection (a).

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

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

697 ~~(1) If appearing through the use of two-way audio-video~~
698 ~~communication, the~~The identity of the signatory shall be
699 verified by the notary public using either of the following
700 methods:



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701 ~~(1)~~a. The personal knowledge of the notary public of
702 the identity of the signatory.

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

706 ~~b.2.~~ A process by which the notary public verifies the
707 identity of the signatory through a review of public or
708 private data sources.

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

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

717 (4) The notary shall inform the participants that
718 Alabama law requires that a recording be made of the remote
719 electronic notarization.

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

722 (f) TheA two-way audio-video communication recording
723 shall contain all of the following:

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

725 (2) A description of the documents to which the remote
726 notarial act relates.

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



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729 (4) A description of how the identification of the
730 signatory was verified.

731 (5) A clear image of any government issued
732 identification, if applicable.

733 (6) A clear image of the act of signing observed by the
734 notary public.

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

742 (h) An electronic notary shall refuse to perform a
743 remote electronic notarial act if either of the following
744 applies:

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

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

754 ~~(h)~~ (i) Any action taken before July 1, 2021, allowing
755 for the remote notarization of signatures under the Emergency
756 Management Act of 1955, Article 1 of Chapter 9 of Title 31, is



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757 ratified and confirmed.

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

761 Section 5. This act shall become effective on October
762 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB292

Senate 17-Mar-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 09-Apr-26

Senate concurred in House amendment 09-Apr-26

By: Senator Orr