

# HB328 INTRODUCED



1 UBZZDG-1  
2 By Representatives Robbins, Stadthagen  
3 RFD: Judiciary  
4 First Read: 18-Apr-23  
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SYNOPSIS:

Under existing law, the judgment of a court in an action for quiet title is required to be filed for record with the probate court of the county in which the land is located.

This bill would require the judgment of any action concerning real property, including condemnation actions and other actions involving a land boundary or title, to also be filed for record in the probate court of the county in which the land is located.

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 6-6-544 and 6-6-570, Code of Alabama 1975, are amended to read as follows:

"§6-6-544

~~The register or clerk shall, within~~Within 30 days ~~from~~  
after the statutory expiration for appeal from the entry of a



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29 judgment under this division, including a quiet title,  
30 condemnation, or other judgment involving a land boundary or  
31 title, the prevailing counsel or party shall file the ~~same~~  
32 judgment ~~or a certified transcript thereof~~ for record in the  
33 probate court of the county in which the land lies and ~~tax~~  
34 assume the expense thereof ~~in the costs~~ as a cost of the case.  
35 The ~~probate~~ judge of probate shall record the judgment in the  
36 same book and manner in which deeds are recorded and index the  
37 names of defendants or parties against whom the relief is  
38 granted in the direct index and the names of the plaintiffs or  
39 parties quieted in possession of the land in the reverse  
40 index."

41 "§6-6-570

42 (a) The court ~~shall~~, in the judgment, including a quiet  
43 title, condemnation, or other judgment involving a land  
44 boundary or title, shall order that a certified copy ~~thereof~~ of  
45 the judgment be recorded in the office of the judge of probate  
46 for the county in which the lands lie, and ~~in the judgment~~  
47 direct in whose names ~~it~~ the judgment shall be indexed on the  
48 direct index and in whose names ~~it~~ the judgment shall be  
49 indexed on the indirect index of the record ~~thereof~~. ~~The~~  
50 ~~register or clerk shall, within~~

51 (b) Within 30 days ~~from~~ after the statutory expiration  
52 for appeal from the entry of the judgment, the judge of  
53 probate shall accept from the prevailing counsel or party ~~file~~  
54 a certified copy ~~thereof~~ of the judgment in the office of the  
55 judge of probate for record and tax the expense thereof as  
56 part of the cost of the case. The judge of probate shall



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57 record ~~such~~the copy in the same book and manner in which  
58 deeds are recorded and index the same as in ~~said~~the judgment  
59 ordered or directed. ~~Said~~The judgment shall be binding upon  
60 all persons except as is provided in this division."

61           Section 2. In any judgment concerning real property  
62 under Chapter 6 of Title 35, the judgment shall be recorded in  
63 the same manner as provided under Section 6-6-544, Code of  
64 Alabama 1975.

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