

HB529 ENROLLED



1 HB529
2 7BCG82E-2
3 By Representative Drummond (N & P)
4 RFD: Mobile County Legislation
5 First Read: 26-Feb-26



HB529 Enrolled

1 Enrolled, An Act,

2

3 Relating to Class 2 municipalities; to amend Sections
4 11-40-65, 11-40-67, and 11-40-68, Code of Alabama 1975; to
5 remove the requirement to notify state and local taxing
6 authorities, other than the local ad valorem tax collector, of
7 the municipalities' intent to foreclose on a municipal lien;
8 to remove the requirement to use statutory language for
9 petitions for judicial in rem foreclosure and foreclosure
10 deeds; to authorize a Class 2 municipality to adopt its own
11 forms for petitions to foreclose and foreclosure deeds; to
12 authorize the municipality to proceed with a foreclosure sale
13 30 days from the date of the judicial order directing the sale
14 instead of 45 days; to authorize the circuit court to execute
15 foreclosure deeds within 30 days after the foreclosure sale
16 instead of 90 days; to authorize the municipality to file a
17 foreclosure report with the circuit clerk within 30 days of
18 the foreclosure sale instead of 90 days; and to make
19 nonsubstantive, technical revisions to update the existing
20 code language to current style.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall apply only to Class 2
23 municipalities.

24 Section 2. Sections 11-40-65, 11-40-67, and 11-40-68,
25 Code of Alabama 1975, are amended to read as follows:

26 "§11-40-65

27 (a) After a municipal code lien has been recorded with
28 ~~the office of the probate judge~~ judge of probate of the county



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29 in which the real property lies, the Class 2 municipality may
30 identify those properties on which to commence a judicial in
31 rem foreclosure in accordance with this article, except that
32 ~~those properties~~ identified by the Class 2 municipality
33 ~~identifies as owner-occupied~~ owner-occupied shall not be
34 subject to judicial in rem foreclosure under this article. The
35 Class 2 municipality shall not file a petition for judicial in
36 rem foreclosure in accordance with this article for a period
37 of six months following the date ~~upon which~~ the municipal code
38 lien is recorded in the office of the ~~probate judge~~ judge of
39 probate. A petition for judicial in rem foreclosure may
40 include any other municipal code lien that has been filed
41 prior to the date the petition is filed. After enforcement
42 proceedings have commenced in accordance with this article,
43 the enforcement proceedings may be amended to include any
44 subsequently arising municipal code liens and, if applicable,
45 ~~any and all~~ taxes as defined in this article.

46 (b) If the property on which the Class 2 municipality
47 is seeking to foreclose under this article is subject to taxes
48 as defined in this article, then at least 60 days prior to the
49 filing of the petition, the Class 2 municipality shall notify
50 the county's ad valorem tax collecting official ~~all other~~
51 ~~taxing agencies within the jurisdiction of the Class 2~~
52 ~~municipality, and the State of Alabama of the Class 2~~
53 municipality's intention to file a petition for judicial in
54 rem foreclosure of the real property on which a municipal code
55 lien exists. Upon notification, the ~~Revenue Commissioner~~
56 county's ad valorem tax collector shall provide the tax payoff



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57 amount to the Class 2 municipality.

58 (c) The Class 2 municipality shall record in the
59 appropriate lis pendens record in the office of the judge of
60 probate of the county in which the real property is located, a
61 notice of ~~his or her~~ its intent to file a judicial in rem
62 foreclosure action. The notice shall include a legal
63 description of the property, the property's street address ~~of~~
64 ~~the property,~~ if available, a statement that the property is
65 subject to judicial in rem foreclosure proceedings under this
66 article, and a statement that those proceedings may extinguish
67 any legal interests in the property.

68 (d) Simultaneous with the filing of ~~his or her~~ the
69 notice of intent to file a judicial in rem foreclosure action,
70 the Class 2 municipality shall file a petition with the clerk
71 of the circuit court for the judicial circuit in which the
72 real property is located, ~~the petition shall have form and~~
73 ~~content substantially identical to that form as provided in~~
74 ~~subsection (i).~~

75 (e) The petition shall be filed against the real
76 property against which the municipal code lien has been
77 recorded and shall provide all of the following:

- 78 (1) The identity of the Class 2 municipality.
- 79 (2) The real property address.
- 80 (3) A description of the real property.
- 81 (4) The tax identification number of the real property.
- 82 (5) The municipal code lien ~~which~~ that is being
83 foreclosed.
- 84 (6) The principal amount of the municipal code lien



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85 together with applicable interest and penalties.

86 (7) The principal amount of any additional municipal
87 code liens, if any, in accordance with subsection (a) together
88 with applicable interest and penalties ~~in accordance with~~
89 ~~subsection (a) if any.~~

90 (8) The year or years for which the taxes are
91 delinquent, if any.

92 (9) The principal amount of the taxes together with
93 interest and penalties, if any.

94 (10) The tax payoff amount.

95 (11) A statement that upon final sale, in accordance
96 with this article and payment of the tax payoff amount, if
97 applicable, an interested party's rights of redemption under
98 Title 40, ~~or under~~ Chapter 10 ~~or this title,~~ Chapter 51 ~~of~~
99 this title, shall be extinguished.

100 (12) The names and addresses of all interested parties
101 to whom copies of the petition are to be sent in accordance
102 with subsection (f).

103 (f) The Class 2 municipality shall mail copies of the
104 petition by both certified mail, return receipt requested, and
105 by regular mail to all interested parties whose identity and
106 address are reasonably ascertainable. Copies of the petition
107 shall also be mailed by first-class mail to the real property
108 address to the attention of the occupants of the property, if
109 any. In addition, notice shall be physically posted on the
110 real property and shall include the following statement: "THIS
111 PROPERTY IS SUBJECT TO A JUDICIAL IN REM FORECLOSURE ACTION
112 AND MAY BE TRANSFERRED TO [NAME OF CLASS 2 MUNICIPALITY] OR



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113 ANOTHER PARTY. PERSONS WITH INFORMATION REGARDING THE CURRENT
114 OWNER OF THE PROPERTY ARE REQUESTED TO CONTACT [NAME OF CLASS
115 2 MUNICIPALITY]."

116 (g) If the Class 2 municipality finds reason to believe
117 that the real property is ~~owner-occupied~~ owner-occupied after
118 the filing of the petition, the Class 2 municipality shall
119 immediately seek dismissal of its petition.

120 (h) Within 30 days of the filing of the petition, the
121 Class 2 municipality shall cause a notice of the filing of the
122 petition to be published once each week for three consecutive
123 weeks in a newspaper of general circulation in the county in
124 which the property is located. Such notice shall specify:

- 125 (1) The name and address of the Class 2 municipality.
- 126 (2) The real property address.
- 127 (3) A description of the real property.
- 128 (4) The tax identification number of the real property.
- 129 (5) Any applicable municipal code lien upon which is
130 being foreclosed ~~upon~~.
- 131 (6) The principal amount of any municipal code lien
132 together with interest and penalties.
- 133 (7) The applicable period of tax delinquency, if any.
- 134 (8) The principal amount of taxes, if any.
- 135 (9) Upon deposit with the appropriate parties by the
136 court of the tax payoff amounts, if any, ~~any and~~ all rights of
137 redemption accorded to interested parties under Title 40 or
138 under Chapter 10 ~~or under this title,~~ Chapter 51 of this
139 title, are extinguished.
- 140 (10) The date and place of the filing of the petition.



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141 (i) The Class 2 Municipality, by local ordinance, may
142 adopt forms and policies to implement and administer this
143 section. The petition for judicial in rem foreclosure shall be
144 in substantially the following form:

145 ~~IN THE CIRCUIT COURT FOR _____ COUNTY~~

146 ~~STATE OF ALABAMA-~~

147 ~~Petitioner:)~~

148 ~~{Class 2 municipality})~~

149 ~~Name, Address,)~~

150 ~~Telephone Number)~~

151 ~~v. Civil Action No: _____~~

152 ~~Respondents:~~

153 ~~_____, ACRES OF LAND LYING)~~

154 ~~AND BEING IN _____,)~~

155 ~~_____ COUNTY, ALABAMA)~~

156 ~~_____)~~

157 ~~_____)~~

158 ~~(Address of Property)~~

159 ~~And~~

160 ~~_____)~~

161 ~~Name and mailing address of Owner~~

162 ~~PETITION FOR JUDICIAL IN REM FORECLOSURE COMES NOW~~

163 ~~(Petitioner) and petitions this Court for judicial in rem~~
164 ~~foreclosure in accordance with Section _____ of the Code~~
165 ~~of Alabama 1975, by showing this Court as follows:~~

166 ~~1. _____ is the owner of certain real property~~
167 ~~located at _____ (the "Property") having a tax~~
168 ~~identification number of _____. (A legal description of the~~



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169 ~~Property is attached hereto as Exhibit "A" and by this~~
170 ~~reference incorporated herein).~~

171 ~~2. The municipal code lien(s) recorded against the~~
172 ~~Property by City of _____ for nonpayment of costs incurred,~~
173 ~~penalties, or fees arising from violations of the City of~~
174 ~~_____ 's Code of Ordinances related to the Property, the~~
175 ~~total amount of which is \$ _____ (amount includes principal~~
176 ~~amount of the municipal code lien and any accrued interest and~~
177 ~~penalties as of this date) have not been paid. (An itemized~~
178 ~~list of any municipal code lien recorded against the Property~~
179 ~~and the subject of this Petition is attached hereto as Exhibit~~
180 ~~"B" and by this reference incorporated herein.)~~

181 ~~3. The taxes assessed against the Property by~~
182 ~~City/County of _____ or by the State of Alabama for the~~
183 ~~year(s) _____ in the amount of \$ _____ (amount includes~~
184 ~~principal amount of taxes owed and any accrued interest and~~
185 ~~penalties as of this date) [have] [have not] been paid.~~

186 ~~4. Attached hereto as Exhibit "C" is a list of the~~
187 ~~names and addresses of interested parties also receiving a~~
188 ~~copy of this Petition by first class mail.~~

189 ~~5. Occupants of the Property shall be served by mailing~~
190 ~~the petition by first-class mail to the attention of the~~
191 ~~occupants at the above-listed Property address.~~

192 ~~6. Based upon the information and belief of the~~
193 ~~Petitioner the Property is not owner-occupied property.~~

194 ~~7. The Petition has also been posted on the Property in~~
195 ~~accordance with Section 11-4-54(f), Code of Alabama 1975.~~

196 ~~8. Simultaneously with the filing of this Petition,~~



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197 ~~Petitioner has filed a lis pendens in the appropriate office~~
198 ~~of the judge of probate.~~

199 ~~WHEREFORE, Petitioner demands (1) a hearing before the~~
200 ~~Circuit Court in _____ County (the "Court") and (2) a judgment~~
201 ~~by the Court stating that (a) the municipal code lien recorded~~
202 ~~against the Property is delinquent and (b) that notice has~~
203 ~~been given to all interested parties, and an order that the~~
204 ~~Court may cause the Property to be sold at public outcry in a~~
205 ~~similar manner as that required in Section 40-10-15 of the~~
206 ~~Code of Alabama.~~

207 ~~CITY OF _____~~

208 ~~By: _____~~

209 ~~Its: _____~~

210 ~~NOTICE TO RESPONDENTS AND ALL INTERESTED PARTIES~~

211 ~~This petition serves as notice to the respondents and~~
212 ~~all interested parties that (1) each party is presumed to own~~
213 ~~or have a legal interest in the property, (2) that foreclosure~~
214 ~~proceedings have been commenced because of the failure to pay~~
215 ~~the municipal code lien cited above, and (3) foreclosure will~~
216 ~~result in the loss of ownership of the Property and all rights~~
217 ~~or interests of all interested parties, including any and all~~
218 ~~rights or redemption accorded to by interested parties under~~
219 ~~Title 40, Chapter 10 and Title 11, Chapter 5, Code of Alabama~~
220 ~~1975.~~

221 ~~To avoid loss of ownership or any interest in the~~
222 ~~property, payment of the full amount of the municipal code~~
223 ~~lien, penalties, interest, and costs, plus payment of the full~~
224 ~~amount of any property taxes that are due or delinquent, if~~



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225 any, including any related penalties, interest, and costs must
226 be paid to the _____ office located at _____ by _____ date.
227 Respondents and all interested parties are also reminded that
228 each of you may wish to contact an attorney to protect your
229 rights.

230 A hearing on the above matter shall take place before
231 the Circuit Court of _____ County no earlier than 30 days
232 after the filing of this petition. To determine the exact time
233 and date of such hearing, please call the office of the
234 Circuit Court of _____ County.

235 This _____ day of _____, _____.

236 _____

237 Circuit Clerk of _____ County

238 EXHIBIT A

239 Description of the Property

240 Together with all rights, title, and interest running
241 with the above-described property but not taxed under a
242 separate tax reference number as delineated on the tax maps of
243 the petitioner for the year(s) for the municipal code liens
244 being foreclosed.

245 EXHIBIT B

246 Names and Addresses of Interested Parties"

247 "§11-40-67

248 (a) At any point prior to the moment of the sale, any
249 interested party may redeem the real property from the sale by
250 ~~payment of~~ paying the redemption amount. Payment shall be made
251 to the Class 2 municipality. ~~Following~~ Upon receipt of the
252 payment, the Class 2 municipality shall file for dismissal of



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253 the proceedings. If any delinquent ad valorem property taxes,
254 interest, or fees are included in the redemption amount, the
255 Class 2 municipality shall remit those amounts to the county's
256 tax collecting official.

257 (b) ~~In the event of the payment by~~ If the owner of the
258 real property makes payment of the redemption amount, the
259 proceedings shall be dismissed, and the rights and interests
260 of all interested parties shall remain unaffected.

261 (c) In the event of payment by any interested party
262 other than the owner, the party making the payment shall
263 possess a lien on the real property for the full amount of the
264 payment, which lien shall have the same priority as the
265 municipal code lien discussed in ~~subsection (b) of~~ Section
266 11-40-63 (b). The lienholder shall have the right to enforce
267 the lien as permitted to the holder of any lien under existing
268 law. The lienholder shall not otherwise succeed to the rights
269 of the Class 2 municipality or the tax certificate holder."

270 "§11-40-68

271 (a) Following the hearing and order of the court in
272 accordance with Section 11-40-66, the court shall order the
273 Class 2 municipality to ~~cause a sale of~~ sell the real
274 property. ~~to~~ The sale shall be advertised in a newspaper of
275 general circulation in the county where the land is
276 located. ~~and conducted by the court in a manner similar to that~~
277 ~~procedure contemplated by Section 40-10-15.~~ The sale shall not
278 occur earlier than ~~45~~ 30 days following the date of the order
279 of the court.

280 (b) Except as otherwise authorized by law, the minimum



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281 bid price for the sale of the real property shall be the
282 redemption amount.

283 (1) In the absence of any bid higher than the minimum
284 bid price, the court or its designee shall submit a bid~~in~~ for
285 the real property on behalf of the Class 2 municipality or its
286 designee in an amount equal to the minimum bid price,~~thereby~~
287 causing the Class 2 municipality to become the purchaser at
288 the sale pursuant to Section 11-40-66.

289 (2) A bid~~in~~ submitted on behalf of the Class 2
290 municipality or its designee shall be tendered as a credit bid
291 for that part of the minimum bid price equal to the municipal
292 code lien payoff, as defined in this article. If the minimum
293 bid price bid~~in~~ submitted by the Class 2 municipality
294 includes a tax payoff amount, as defined in this article, the
295 Class 2 municipality shall tender the amount of the tax payoff
296 to the court,~~which, together~~ Together with the municipal
297 code lien payoff, the tax payoff shall satisfy the full amount
298 of the minimum bid price.

299 (c) Payment of the winning bid shall be due immediately
300 after the sale is conducted. The proceeds of the foreclosure
301 sale shall be distributed in the following manner:

302 (1) If the purchaser is a party other than the Class 2
303 municipality, the court or its designee shall deposit with the
304 Class 2 municipality the amount of the proceeds equal to the
305 municipal code lien payoff,~~less any costs incurred or fees~~
306 ~~charged by the office of the judge of probate.~~

307 (2) If the purchaser is the Class 2 municipality,~~then~~
308 the Class 2 municipality shall tender to the court an amount



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309 equal to any costs incurred by the court that are included in
310 ~~the amount of the~~ municipal code lien payoff.

311 ~~(3) If~~ If the purchaser is a party other than the Class
312 2 municipality, and the minimum bid price includes a tax
313 payoff amount, the court shall deposit the amounts paid with
314 the appropriate parties in accordance with ~~the following~~
315 Sections 40-5-10, 40-10-128, 40-10-129, and 40-10-193, and any
316 applicable local acts.

317 (4) In the event that the foreclosure sale price
318 exceeds the minimum bid price at the foreclosure sale, the
319 surplus shall be distributed by the court to the interested
320 parties, including the owner, as their interests appear and in
321 the order of priority in which their interests exist.

322 (d) Upon deposit with the appropriate parties by the
323 court of the tax payoff amounts, if any, described in
324 subsection (c) (3), ~~any and all~~ rights of redemption accorded
325 to interested parties under Title 40, or under Chapter 10 or
326 ~~under this title,~~ Chapter 51 of this title, are extinguished.

327 ~~(e) From and after the moment of the sale, the sale~~
328 Once the sale is completed, the sale shall be considered final
329 and binding.

330 (f) Within ~~90~~ 30 days following the date of the sale,
331 the court shall cause ~~to be executed~~ a deed to the real
332 property identified in the petition to be executed. Upon
333 execution, the court shall cause the deed to be recorded with
334 the office of the judge of probate.

335 (g) Within ~~90~~ 30 days following the date of the sale,
336 the Class 2 municipality shall file a report of the sale with



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337 the clerk of the circuit court, ~~which report shall identify~~
338 identifying whether a sale took place, the foreclosure sale
339 price, and the identity of the purchaser.

340 (h) The Class 2 municipality, by local ordinance, may
341 adopt forms and policies to implement and administer this
342 section. ~~The form of the deed provided for in subsection (e)~~
343 ~~shall be substantially as follows:~~

344 ~~When recorded please return to: Cross-reference:~~

345 _____ Deed Book _____, Page

346 _____ County, Alabama

347 ~~Records~~

348 ~~STATE OF ALABAMA~~

349 ~~COUNTY OF _____~~

350 ~~JUDICIAL IN REM FORECLOSURE DEED~~

351 ~~This indenture (the "deed") made this _____ day of~~
352 ~~_____, _____, by and between _____, a _____ ("grantor") and~~
353 ~~_____, a _____ ("grantee").~~

354 ~~WITNESSETH~~

355 ~~WHEREAS, on the _____ day of _____, _____, during the~~
356 ~~legal hours of sale, grantor did expose for sale at public~~
357 ~~outery to the highest bidder for cash before the courthouse~~
358 ~~door in _____ County, Alabama, the property (as hereinafter~~
359 ~~defined) at which sale grantee was the highest and best bidder~~
360 ~~for the sum of \$ _____ and the property was then and there sold~~
361 ~~to grantee for the sum. The sale was made by grantor pursuant~~
362 ~~to and by virtue of the power and authority granted to it in~~
363 ~~that certain order of the court granted _____, _____, Case No.~~
364 ~~_____, Circuit Court of _____ County, Alabama, (the "order").~~



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365 ~~Said sale was made after advertising the time, place, and~~
366 ~~terms thereof in the _____, published in _____, Alabama, in~~
367 ~~the aforesaid county, and being the publication in which the~~
368 ~~[Class 2 municipality's] advertisements for the county are now~~
369 ~~published, once a week for three consecutive weeks prior to~~
370 ~~the sale on the _____, _____, _____, and _____ of _____,~~
371 ~~_____ , and the advertisement in all respects complied with the~~
372 ~~requirements of Section _____ of the Code of Alabama 1975.~~
373 ~~Notice of the time, place, and terms of the sale of the~~
374 ~~property was given pursuant to Section _____, Code of Alabama~~
375 ~~1975. Sale was made for the purpose of paying the municipal~~
376 ~~code lien(s) owed to _____, the interest and penalties on the~~
377 ~~indebtedness, the expenses of the sale including attorneys'~~
378 ~~fees, all of which were mature and payable because of failure~~
379 ~~of the owner to pay the amount owed and reflected in the~~
380 ~~municipal code lien.~~

381 ~~NOW, THEREFORE, grantor, acting under and by virtue of~~
382 ~~the order and pursuant to Section _____, Code of Alabama 1975,~~
383 ~~for and in consideration of the facts hereinbefore recited,~~
384 ~~has bargained, sold, and conveyed and does hereby bargain,~~
385 ~~sell, and convey unto grantee, its successors and assigns, the~~
386 ~~following described property (herein referred to as the~~
387 ~~"property"); to wit:~~

388 ~~All that tract or parcel of land lying and being in~~
389 ~~Land Lot _____ of the _____ District, _____ County, Alabama,~~
390 ~~and being more particularly described on Exhibit "A" attached~~
391 ~~hereto and by this reference made a party hereof.~~

392 ~~This deed is given subject to all restrictions,~~



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393 easements, ~~rights of way, declarations, and covenants, if any,~~
394 ~~to which the deed is junior and inferior in terms of priority.~~

395 ~~TO HAVE AND TO HOLD, the property unto grantee, its~~
396 ~~successors and assigns in fee simple.~~

397 ~~IN TESTIMONY WHEREOF, I have hereunto set my hand and~~
398 ~~seal, this _____ day of _____, 20_____.~~

399 _____
400 Judge of the Circuit Court of _____ County
401 ~~THE STATE OF ALABAMA,~~
402 _____ COUNTY.

403 I, _____, a
404 _____ in and for the County, in the State of
405 Alabama, hereby certify that _____ whose
406 name as Judge of the Circuit Court of _____ County is
407 signed to the foregoing conveyance and who is known to me,
408 acknowledged before me, on this day, that, being informed of
409 the contents of this conveyance, he or she, in his or her
410 capacity as Judge of the Circuit Court of _____ County,
411 executed the same voluntarily, on this day.

412 Given under my hand, this _____ day of
413 _____, 20_____.

414 _____

415 EXHIBIT

416 Description of the Property

417 Together with all right, title, and interest running
418 with the above-described property but not taxed under a
419 separate tax reference number as delineated on the tax maps of
420 the petitioner for the year(s) for the municipal code lien



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421 ~~being foreclosed."~~

422 Section 3. This act shall become effective on October

423 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 17-Mar-26.

John Treadwell
Clerk

Senate

31-Mar-26

Passed