

HB328 ENROLLED



1 UBZZDG-3
2 By Representatives Robbins, Stadthagen
3 RFD: Judiciary
4 First Read: 18-Apr-23
5 2023 Regular Session



HB328 Enrolled

1 Enrolled, An Act,

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§6-6-544

11 ~~The register or clerk shall, within~~Within 30 days ~~from~~
12 ~~the entry of a judgment under this division, file the same~~
13 after a judgment entered under this division becomes final,
14 with no possibility of post-trial motions or appellate review,
15 the prevailing party shall file a certified copy of the
16 judgment ~~or a certified transcript thereof~~ for record in the
17 probate court of the county in which the land lies and ~~tax~~
18 assume the expense thereof ~~in the costs~~ as a cost of the case.
19 The ~~probate~~ judge of probate shall record the judgment in the
20 same book and manner in which deeds are recorded and index the
21 names of defendants or parties against whom the relief is
22 granted in the direct index and the names of the plaintiffs or
23 parties quieted in possession of the land in the reverse
24 index."

25 "§6-6-570

26 (a) The court ~~shall~~, in the judgment, shall order that
27 a certified copy ~~thereof~~ of the judgment be recorded in the
28 office of the judge of probate for the county in which the



HB328 Enrolled

29 lands lie, and ~~in the judgment~~ direct in whose names ~~it~~the
30 judgment shall be indexed on the direct index and in whose
31 names ~~it~~the judgment shall be indexed on the indirect index of
32 the record ~~thereof~~. ~~The register or clerk shall, within~~
33 (b) Within 30 days ~~from~~ after the ~~the entry of the~~
34 judgment becomes final, with no possibility of post-trial
35 motions or appellate review, the judge of probate shall accept
36 from the prevailing counsel or party ~~file~~ a certified copy
37 ~~thereof~~ of the judgment in the office of the judge of probate
38 for record and tax the expense thereof as part of the cost of
39 the case. The judge of probate shall record ~~such~~ the copy in
40 the same book and manner in which deeds are recorded and index
41 the same as in ~~said~~ the judgment ordered or directed. ~~Said~~ The
42 judgment shall be binding upon all persons except as is
43 provided in this division."

44 Section 2. In any judgment concerning real property
45 under Chapter 6 of Title 35, the judgment shall be recorded in
46 the same manner as provided under Section 6-6-544, Code of
47 Alabama 1975.

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



HB328 Enrolled

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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 24-May-23, as amended.

John Treadwell
Clerk

Senate

06-Jun-23

Passed