HB430

184473-4

By Representatives Drummond, Sessions, Williams (JW) and Clarke (N & P)

RFD: Mobile County Legislation

First Read: 16-MAR-17
ENROLLED, An Act,

Relating to Class 2 municipalities; to repeal Sections 11-40-50 through 11-40-54, Code of Alabama 1975, relating to the use and occupancy of buildings; to grant the Class 2 municipality the authority to enact by ordinance provisions for enforcement of local and state building regulations for the maintenance of structures; to provide for a judicial in rem foreclosure on non-owner occupied properties; to provide for recovery of taxpayer costs and transfer of title to property under certain circumstances; to provide that non-owner property may be transferred to a responsible owner if the property owner fails to reimburse for costs of the enforcement; and to repeal Sections 11-40-50 through 11-40-54, Code of Alabama 1975, relating to the use and occupancy of buildings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act applies only to Class 2 municipalities.

Section 2. (a) The provisions of this act shall apply in any Class 2 municipality that adopts the provisions of this act to be applicable to the collection of municipal code liens as to real property, other than owner occupied property, in the municipality.
(b) The provisions of this act shall not apply to owner occupied property.

Section 3. Definitions.

As used in this act, the following words and phrases shall have the following meanings:

(1) INTERESTED PARTY. Includes the following parties:

a. The person who last appears as owner of the real property in the county office of the judge of probate's property records.

b. The current mortgagee of record of the property or assignee of record of the mortgagee.

c. The current holder of a beneficial interest in a deed of trust recorded against the real property.

d. A tax certificate holder.

e. A tax sale purchaser that holds a deed of purchase in accordance with Section 40-10-29 of the Code of Alabama 1975.

f. Any party having an interest in the real property, or in any part thereof, legal or equitable, in severalty or as tenant in common, whose identity and addresses are reasonably ascertainable from the records of the Class 2 municipality or records maintained in the county office of the judge of probate or as revealed by a full title search, consisting of 50 years or more.
An Interested Party shall not include the holder of the benefit of an easement which burdens the real property, the holder of the benefit or burden of a real covenant which burdens the real property, or the holder of the benefit of a utility easement which burdens the real property.

(2) MINIMUM BID PRICE. The price that equals the Redemption Amount.

(3) MUNICIPAL CODE LIEN. Any lien that has been levied against real property by a Class 2 municipality that is the result of the non-payment of any fine, penalty, abatement cost, or enforcement cost incurred by a Class 2 municipality related to the enforcement of state or local housing and building codes. Such lien shall include only those liens which arise out of a failure to comply with any of the following provisions of the Code of Alabama, or from the failure to comply with a Class 2 municipality's ordinance or resolution enacted pursuant to the authority granted in any of the following provisions of the Code of Alabama: Sections 11-40-30 through 11-40-36; 11-47-117; 11-47-118; 11-47-130 through 11-47-131; 11-47-140; 11-53-1 through 11-53-4; 11-53B-1 through 11-53B-16; and 11-67-1 through 11-67-10.

A municipal code lien shall not include any lien that has previously been certified to the tax collector of the county for inclusion on the property tax bill associated with
the real property, such as those liens certified under Section 11-67-8 of the Code of Alabama 1975.

(4) MUNICIPAL CODE LIEN PAYOFF. The principal amount of a municipal code lien, interest accrued at the rate of seven and one-half percent per annum from the date the municipal code lien was filed in the office of the judge of the probate, any fees or costs incurred in the collection of such a lien under this act including, without limitations, the cost of title examinations and publication of notices, and any other penalties allowable under either state law or under an ordinance or resolution enacted by the Class 2 municipality.

(5) OWNER OCCUPIED. Real property that is lawfully occupied as a principal residence that is any of the following:


c. Eligible for the designations listed in paragraphs a. or b., but which has not yet been granted such designation and which is lawfully occupied by the family of a deceased individual.

(6) REDEMPTION AMOUNT. The sum of (1) the full amount of the municipal code lien payoff for each municipal code lien on which the Class 2 municipality is seeking to
foreclose under this act, and (2) any tax payoff that may be
applicable to the property on which the Class 2 municipality
is seeking to foreclose under this act.

(7) TAXES. Those taxes assessed against real
property by either the State of Alabama, the county in which
the real property is situated, or the Class 2 municipality
that are delinquent, as defined in Section 40-11-4 or Section
11-51-2 of the Code of Alabama 1975, as of the date a
proceeding under this act is commenced or at any time before
final resolution of the same, and shall also include any taxes
assessed against real property that are unpaid from any
previous year and any amounts required for redemption under
Section 40-10-82, 40-10-120, or Section 11-51-23 of the Code
of Alabama 1975. As provided in Section 11-51-6 of the Code of
Alabama 1975, a lien for taxes shall be superior to all other
liens, including municipal code liens.

(8) TAX CERTIFICATE HOLDER. Any of the following:

a. A tax sale purchaser that holds a certificate of
purchase in accordance with Section 40-10-19 of the Code of
Alabama 1975.

b. The state, where it has accepted and recorded a
certificate of purchase obtained at a tax sale in accordance
with Section 40-10-20 of the Code of Alabama 1975.
c. Any party to which a certificate of purchase obtained at a tax sale has been assigned in accordance with Section 40-10-21 of the Code of Alabama 1975.

d. The purchaser or assignee of a tax lien certificate as described in Section 40-10-187 of the Code of Alabama 1975.

(9) TAX PAYOFF. Any and all amounts necessary to satisfy any claims for delinquent taxes assessed against the real property on which the Class 2 municipality is seeking to foreclosure under this act. Those amounts shall include:

a. If the taxes associated with the property are delinquent as defined in Section 40-11-4 or Section 11-51-2, Code of Alabama 1975, but the property has not yet been sold for taxes, then the full amount of delinquent taxes, costs, fees and charges due to the county tax collector in accordance with Section 40-5-8 of the Code of Alabama 1975; and

b. If the property has been sold for taxes to the state, then those amounts required for redemption and described in Sections 40-10-83, 40-10-120, 40-10-121, and 40-10-122 of the Code of Alabama 1975, except that when a Class 2 municipality is the prevailing bidder, the tax payoff amount shall be the lesser of these amounts or the amount as determined by Section 40-10-132(a)(2) of the Code of Alabama 1975.
c. If the property has been sold for taxes to a party other than the state, then those amounts required for redemption and described in Sections 40-10-83, 40-10-120, 40-10-121, and 40-10-122 of the Code of Alabama 1975.

d. If a tax lien has been sold by a county in accordance with the provisions of Section 40-10-182, Code of Alabama 1975, then the amount required for redemption in accordance with Section 40-10-193, Code of Alabama 1975.

Section 4. Violations of Class 2 municipality Housing and Building Code; Priority of Liens.

(a) Notwithstanding any law to the contrary, any fees, penalties and abatement costs imposed against property other than owner occupied real property for violations of a Class 2 municipality's housing and building codes adopted pursuant to the Code of Alabama 1975, may be enforced in rem as a lien in accordance with this act.

(b) Every municipal code lien, as defined in this act, shall be superior to all other liens, except those liens for taxes described or referenced in Section 11-51-6, Code of Alabama 1975.

Section 5. Nature of Rights and Remedies.

(a) Any Class 2 municipality to which this act applies may proceed with judicial in rem foreclosures of municipal code liens in accordance with the provisions of this act by enactment of an ordinance or resolution of the
governing authority of the Class 2 municipality in which the
real property is located which ordinance or resolution shall
be sufficient authority for use of this act by the Class 2
municipality to enforce its municipal code liens.

(b) The ordinance of a Class 2 municipality
authorizing and approving the use of this act shall include
all the following matters:

(1) The initial effective date for application of
these procedures.

(2) If the Class 2 municipality elects not to apply
these procedures to all real properties as of the same future
date, then the phase-in of these procedures over a period of
time and the manner of determination of which real properties
are subject in which sequence to these procedures.

(3) The explicit exclusion of owner-occupied
properties from the application of the judicial in rem
foreclosure procedures authorized in this act.

(4) The nature and extent of notices, support
services, and referrals to be provided to the owners and
occupants of owner-occupied properties.

(5) Any other matters the Class 2 municipality
specifies to be addressed through administrative regulations
and policies.

(c) The provisions of the Class 2 municipality
ordinance and administrative regulations and policies issued
pursuant thereto shall not be in conflict with Sections 7 through 10 of this act.

(d) Proceedings in accordance with this act are designed solely to enforce the municipal code lien for real property subject to the municipal code lien and shall not constitute an action for personal liability for the municipal code liens against the owner or owners of the real property.

(e) The rights and remedies set forth in this act are available solely to the governmental entities authorized by law to enforce municipal ordinances and shall not extend to any nongovernmental transferee of municipal code liens.

(f) A Class 2 municipality that has adopted the provisions of this act and that seeks to enforce a municipal code lien through the sale of real property shall utilize the judicial in rem proceedings of this act as the sole remedy for the enforcement through the sale of real property.

(g) The enforcement proceedings authorized by this act may be initiated only by the Class 2 municipality.

Section 6. Filing Petition for Foreclosure; Form of Petition; Notice.

(a) After a municipal code lien has been recorded with the office of the probate judge of the county in which the real property lies, the Class 2 municipality may identify those properties on which to commence a judicial in rem foreclosure in accordance with this act, except that those
properties the Class 2 municipality identifies as owner occupied shall not be subject to judicial in rem foreclosure under this act. The Class 2 municipality shall not file a petition for judicial in rem foreclosure in accordance with this act for a period of six months following the date upon which the municipal code lien is recorded in the office of the probate judge. A petition for judicial in rem foreclosure may include any other municipal code lien that has been filed prior to the date the petition is filed. After enforcement proceedings have commenced in accordance with this act, the enforcement proceedings may be amended to include any subsequently arising municipal code liens and, if applicable, any and all taxes as defined in this act.

(b) If the property on which the Class 2 municipality is seeking to foreclose under this act is subject to taxes as defined in this act, then at least 60 days prior to the filing of the petition, the Class 2 municipality shall notify all other taxing agencies within the jurisdiction of the Class 2 municipality, and the State of Alabama of the Class 2 municipality's intention to file a petition for judicial in rem foreclosure of the real property on which a municipal code liens exists. Upon notification, the Revenue Commissioner shall provide the tax payoff amount to the Class 2 municipality.
(c) The Class 2 municipality shall record in the appropriate lis pendens record in the office of the judge of probate of the county in which the real property is located, a notice of his or her intent to file a judicial in rem foreclosure action. The notice shall include a legal description of the property, street address of the property if available, a statement that the property is subject to judicial in rem foreclosure proceedings under this act, and a statement that those proceedings may extinguish any legal interests in the property.

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

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

(1) The identity of the Class 2 municipality.
(2) The real property address.
(3) A description of the real property.
(4) The tax identification number of the real property.
(5) The municipal code lien which is being foreclosed.

(6) The principal amount of the municipal code lien together with applicable interest and penalties.

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

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

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

(10) The tax payoff amount.

(11) A statement that upon final sale in accordance with this act and payment of the tax payoff amount, if applicable, an interested party's rights of redemption under Title 40, Chapter 10 or Title 11, Chapter 51, Code of Alabama 1975, shall be extinguished.

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

(f) The Class 2 municipality shall mail copies of the petition by both certified mail, return receipt requested, and by regular mail to all interested parties whose identity and address are reasonably ascertainable. Copies of the petition shall also be mailed by first-class mail to the real
property address to the attention of the occupants of the property, if any. In addition, notice shall be physically posted on the real property and shall include the following statement: "THIS PROPERTY IS SUBJECT TO A JUDICIAL IN REM FORECLOSURE ACTION AND MAY BE TRANSFERRED TO [NAME OF CLASS 2 MUNICIPALITY] OR ANOTHER PARTY. PERSONS WITH INFORMATION REGARDING THE CURRENT OWNER OF THE PROPERTY ARE REQUESTED TO CONTACT [NAME OF CLASS 2 MUNICIPALITY]."

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

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

(1) The name and address of the Class 2 municipality.

(2) The real property address.

(3) A description of the real property.

(4) The tax identification number of the real property.
(5) Any applicable municipal code lien which is
being foreclosed upon.

(6) The principal amount of any municipal code lien
together with interest and penalties.

(7) The applicable period of tax delinquency, if
any.

(8) The principal amount of taxes, if any.

(9) Upon deposit with the appropriate parties by the
court of the tax payoff amounts, if any, described in
subsection (c)(3) of Section 11-40-57, Code of Alabama 1975,
any and all rights of redemption accorded to interested
parties under Title 40, Chapter 10 or under Title 11, Chapter
51, Code of Alabama 1975, are extinguished.

(10) The date and place of the filing of the
petition.

(i) The petition for judicial in rem foreclosure
shall be in substantially the following form:

IN THE CIRCUIT COURT FOR__________ COUNTY
STATE OF ALABAMA-

Petitioner:    )

[Class 2 municipality]   )

Name, Address,    )

Telephone Number   )

v.          Civil Action No: ________

Respondents:
PETITION FOR JUDICIAL IN REM FORECLOSURE COMES NOW (Petitioner) and petitions this Court for judicial in rem foreclosure in accordance with Section _______ of the Code of Alabama 1975, by showing this Court as follows:

1. _______ is the owner of certain real property located at _______ (the "Property") having a tax identification number of ____. (A legal description of the Property is attached hereto as Exhibit "A" and by this reference incorporated herein).

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

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

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

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

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

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

8. Simultaneously with the filing of this Petition, Petitioner has filed a lis pendens in the appropriate office of the judge of probate.

WHEREFORE, Petitioner demands (1) a hearing before the Circuit Court in _____ County (the "Court") and (2) a judgment by the Court stating that (a) the municipal code lien recorded against the Property is delinquent and (b) that
notice has been given to all interested parties, and an order
that the Court may cause the Property to be sold at public
outcry in a similar manner as that required in Section

CITY OF ____________
By: ________________
Its: ________________

NOTICE TO RESPONDENTS AND ALL INTERESTED PARTIES

This petition serves as notice to the respondents
and all interested parties that (1) each party is presumed to
own or have a legal interest in the property, (2) that
foreclosure proceedings have been commenced because of the
failure to pay the municipal code lien cited above, and (3)
foreclosure will result in the loss of ownership of the
Property and all rights or interests of all interested
parties, including any and all rights or redemption accorded
to by interested parties under Title 40, Chapter 10 and Title

To avoid loss of ownership or any interest in the
property, payment of the full amount of the municipal code
lien, penalties, interest, and costs, plus payment of the full
amount of any property taxes that are due or delinquent, if
any, including any related penalties, interest, and costs must
be paid to the _____ office located at _____ by _____ date.
Respondents and all interested parties are also reminded that
each of you may wish to contact an attorney to protect your
rights.

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

This _____ day of ____, ___.
________________________
Circuit Clerk of _____ County

EXHIBIT A

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

EXHIBIT B

Names and Addresses of Interested Parties

Section 7. Judicial Hearing

(a) The Class 2 municipality shall request that a
judicial hearing on the petition occur not earlier than 30
days nor more than 90 days following the filing of the
petition. At the judicial hearing, any interested party shall
have the right to be heard and to contest the delinquency of
the municipal code lien, the adequacy of the proceedings, the
classification of the property as owner occupied, and the
amount of the tax payoff. If the court determines that the
information set forth in the petition is accurate, the court
shall render its judgment and order that:

(1) The municipal code lien is delinquent.

(2) The amounts of any additional municipal code
liens and taxes described in the petition are delinquent.

(3) Proper notice has been given to all interested
parties.

(4) The property is not owner occupied.

(5) The property as described in the petition be
sold in accordance with the provisions of this act.

(6) The sale shall become final and binding
immediately after the sale is conducted in accordance with
section 9 of this act.

(b) The order of the court shall provide that the
property be sold free and clear of all liens, claims, and
encumbrances other than:

(1) Rights of redemption provided under federal law.

(2) Taxes assessed against real property that are
due but not yet delinquent as of the date of the court's
order.

(3) An easement which burdens the real property, a
real covenant which burdens the real property, and any utility
easement which benefits the real property as of the date of
the filing of the municipal code lien on which the Class 2
municipality is seeking to foreclose under this act.

  (c) If at any point in the proceedings the court
determines that the property is owner occupied, then the Class
2 municipality shall seek immediate dismissal of the
proceedings.

Section 8. Redemption of property prior to sale by
payment of redemption amount.

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

  (b) In the event of the payment by the owner of the
real property, the proceedings shall be dismissed and the
rights and interests of all interested parties shall remain
unaffected.

  (c) In the event of payment by any interested party
other than the owner, the party making the payment shall
possess a lien on the real property for the full amount of the
payment, which lien shall have the same priority as the
municipal code lien discussed in subsection (b) of Section 4.
The lienholder shall have the right to enforce the lien as
permitted to the holder of any lien under existing law. The
lienholder shall not otherwise succeed to the rights of the
Class 2 municipality or tax certificate holder.

Section 9. Foreclosure Sale; Form of Deed.

(a) Following the hearing and order of the court in
accordance with Section 7, the court shall cause a sale of the
real property to be advertised and conducted by the court in a
manner similar to that procedure contemplated by Section
40-10-15, Code of Alabama 1975. The sale shall not occur
earlier than 45 days following the date of the order of the
court.

(b) Except as otherwise authorized by law, the
minimum bid price for the sale of the real property shall be
the redemption amount.

(1) In the absence of any bid higher than the
minimum bid price, the court or its designee shall bid in for
the real property on behalf of the Class 2 municipality or its
designee in an amount equal to the minimum bid price, thereby
causing the Class 2 municipality to become the purchaser at
the sale pursuant to Section 7.

(2) A bid in on behalf of the Class 2 municipality
or its designee shall be tendered as a credit bid for that
part of the minimum bid price equal to the municipal code lien
payoff as defined in this act. If the minimum bid price bid in
by the Class 2 municipality includes a tax payoff amount as
defined in this act, the Class 2 municipality shall tender the
amount of the tax payoff to the court, which, together with
the municipal code lien payoff, shall satisfy the full amount
of the minimum bid price.

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

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

(2) If the purchaser is the Class 2 municipality,
then the Class 2 municipality shall tender to the court an
amount equal to any costs incurred by the court that are
included in the amount of the municipal code lien payoff.

(3) If the minimum bid price includes a tax payoff
amount, the court shall deposit the amounts paid with the
appropriate parties in accordance with the following Sections
40-5-10, 40-10-128, 40-10-129, and 40-10-193, Code of Alabama
1975, and any applicable local acts.

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

(d) Upon deposit with the appropriate parties by the
court of the tax payoff amounts, if any, described in
subsection (c)(3), any and all rights of redemption accorded
to interested parties under Title 40, Chapter 10 or under
Title 11, Chapter 51, Code of Alabama 1975, are extinguished.

(e) From and after the moment of the sale, the sale
shall be final and binding.

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

(g) Within 90 days following the date of the sale,
the Class 2 municipality shall file a report of the sale with
the clerk of the circuit court, which report shall identify
whether a sale took place, the foreclosure sale price, and the
identity of the purchaser.

(h) The form of the deed provided for in subsection
(e) shall be substantially as follows:

When recorded please return to: Cross-reference:

_________________________ Deed Book ____, Page

_________________________ _______ County, Alabama

Records
STATE OF ALABAMA

COUNTY OF __________

JUDICIAL IN REM FORECLOSURE DEED

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

WITNESSETH

WHEREAS, on the _____ day of _____, _____, during the legal hours of sale, grantor did expose for sale at public outcry to the highest bidder for cash before the courthouse door in _____ County, Alabama, the property (as hereinafter defined) at which sale grantee was the highest and best bidder for the sum of $_____ and the property was then and there sold to grantee for the sum. The sale was made by grantor pursuant to and by virtue of the power and authority granted to it in that certain order of the court granted _____, _____, Case No. _____, Circuit Court of _____ County, Alabama, (the "order"). Said sale was made after advertising the time, place, and terms thereof in the _____, published in _____, Alabama, in the aforesaid county, and being the publication in which the [Class 2 municipality's] advertisements for the county are now published, once a week for three consecutive weeks prior to the sale on the _____, _____, _____, and _____ of _____, _____, and the advertisement in all respects complied with the requirements of Section _____ of the Code of Alabama 1975.
Notice of the time, place, and terms of the sale of the property was given pursuant to Section _____, Code of Alabama 1975. Sale was made for the purpose of paying the municipal code lien(s) owed to _____, the interest and penalties on the indebtedness, the expenses of the sale including attorneys' fees, all of which were mature and payable because of failure of the owner to pay the amount owed and reflected in the municipal code lien.

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

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

This deed is given subject to all restrictions, easements, rights-of-way, declarations, and covenants, if any, to which the deed is junior and inferior in terms of priority.

TO HAVE AND TO HOLD, the property unto grantee, its successors and assigns in fee simple.
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this _____ day of _____________________, 20_____.

______________________________
Judge of the Circuit Court of _____ County

THE STATE OF ALABAMA,

______________________________ COUNTY.

I, ______________________________, a ________________ in and for the County, in the State of Alabama, hereby certify that ______________________________ whose name as Judge of the Circuit Court of _________ County is signed to the foregoing conveyance and who is known to me, acknowledged before me, on this day, that, being informed of the contents of this conveyance, he or she, in his or her capacity as Judge of the Circuit Court of ________ County, executed the same voluntarily, on this day.

Given under my hand, this _____ day of ________________________________, 20_____.

______________________________
EXHIBIT
Description of the Property
Together with all right, title, and interest running with the above-described property but not taxed under a separate tax reference number as delineated on the tax maps of the petitioner for the year(s) for the municipal code lien being foreclosed.
Section 10. Any municipal ordinance enacted pursuant to this legislation shall include an avenue for input by adjoining property owners to participate in the rehabilitation and use of the property subject to this act.

Section 11. Sections 11-40-50 to 11-40-54, inclusive, Code of Alabama 1975, relating to any continued use and occupancy of buildings in Class 2 municipalities, are repealed.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
House of Representatives
I hereby certify that the within Act originated in and was passed by the House 25-APR-17, as amended.

Jeff Woodard
Clerk

Senate 03-MAY-17  Passed