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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Rick Allison
Walker County Judge of Probate
Post Office Box 502
Jasper, Alabama 35502-0502

Judgments – Recordation of Instruments –
Deeds – Probate Judges – Walker County

Pursuant to section 6-6-544 of the Code of Alabama, a final order regarding title to real property must be recorded in the deed book that is maintained within the probate judge's office.

Dear Judge Allison:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Must a final order regarding title to real property be recorded in the deed book or in the judgment book within the probate judge's office?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that recently there had been a question concerning the proper place to record an order of a circuit court judge that concerned real property. In your request, you included a copy of the contemplated order. That order states, in pertinent part, as follows:

Moreover, this Court finds that the Plaintiff's title in the property at issue is greater than the Defendant's title in the property.

Accordingly, it is ORDERED, ADJUDGED AND DECREED:

1. The Plaintiff's Motion for Summary Judgment is granted.

2. The Plaintiff's right, title, interest and ownership in and to the property described as follows is hereby established:

...

3. The Clerk of this Court shall certify copies of this judgment and record the same in the Walker County, Alabama Probate Office and the same shall be indexed in the same books and in the same manner in which deeds are recorded and said judgment shall be indexed with [defendant's] name against whom this relief is granted in the direct index and with [plaintiff's] name in possession of the property in the reverse index.

Order in the Circuit Court of Walker County, Alabama, CV 2007-900042 (June 4, 2008).

There are several instruments that may be recorded at the office of the judge of probate, none of the least of which includes deeds and judgments. Typically, people record judgments that reflect a lien against property. In the present matter, however, the winning party was not attempting to record a money judgment in the form of a lien against the opposing party's real property. Instead, the initial lawsuit was an attempt by one person to quiet title or to assert his clear property interest with regard to a tract of land. Here, the Walker County Circuit Court found that the plaintiff had a clear right in ownership and thus title to the property.

Section 6-6-544 of the Code of Alabama states the appropriate procedure when a person seeks to file a judgment in matters where a person seeks a determination with regard to real property claims and quieting title. This section states as follows:

The register or clerk shall, within 30 days from the entry of a judgment under this division, file the same or a certified transcript thereof for record in the

probate court of the county in which the land lies and tax the expense thereof in the costs of the case. *The probate judge shall record the judgment in the same book and manner in which deeds are recorded and index* the names of defendants or parties against whom the relief is granted in the direct index and the names of the plaintiffs or parties quieted in possession of the land in the reverse index.

ALA. CODE § 6-6-544 (2005) (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Section 6-6-544 states that judgments with regard to quieting title shall be recorded in the book of deeds recorded in the judge of probate's office. Accordingly, the order in this matter should be recorded in the book of deeds and not the book of judgments.

CONCLUSION

Pursuant to section 6-6-544 of the Code of Alabama, a final order regarding title to real property must be recorded in the deed book that is maintained within the probate judge's office.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division