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ALABAMA TAX CERTIFICATE INVESTORS BEWARE:
Negotiating through the Labyrinth of, and
Important Limitations to Recovering
Money in, the Redemption Process

By Gary E. Sullivan

Introduction

Market conditions¹ in the past several years have spawned a boutique industry in Alabama: investors who purchase tax certificates for unpaid *ad valorem* taxes on real property. The statutory interest return of 12 percent per annum attracts much attention. In addition to interest, investors may also be able to recover the value of “improvements,” attorney fees and other costs, depending on the circumstances.

Current Alabama tax sale redemption case law, particularly those cases involving judicial redemption proceedings, lack clarity and consistency. Tax sale purchasers are left without a clear indication of what limitations exist on the nature and amounts recoverable in redemption proceedings. Given the concerns raised by taking a person’s property, the law—both statutory and judicial precedent—should be interpreted or amended to protect landowner and lienholder rights in redemption proceedings. The purpose of this article is to provide an overview of tax sale purchases and redemption in Alabama from the perspective of the limitations on the amounts recoverable in the event of redemption. In framing the interests in play, Part II briefly discusses the foundation and purpose of *ad valorem*

taxation in Alabama. In the event of a tax payer delinquency, Alabama provides for the sale of the land to satisfy the tax obligation. If a tax sale takes place, the right of redemption—statutory or judicial—is triggered. Part III provides a comparison of the redemption procedures that are available to a party capable of redeeming the property. Equally important to the procedures in place for redemption is the impact of void tax sales, discussed in Part IV. Having established the procedural framework of the tax sale process, Part V turns to the limitations on recovery in redemption. Particularly, recovery is limited by statute with respect to interest, attorney fees, and improvements.

Statutory wording and crafty interpretation has led to an interesting question over the status of manufactured homes. Part VI addresses the question to illustrate the importance of a full understanding of Alabama tax sale and redemption procedure. Manufactured homes provide an example of the often overlooked limitation—what interests are conveyed to a tax sale purchaser? The common mistake with the complicated nature of redemption is to get lost in the details; tax sale investors, and their attorneys, can get turned around, unable to see the forest for the trees.

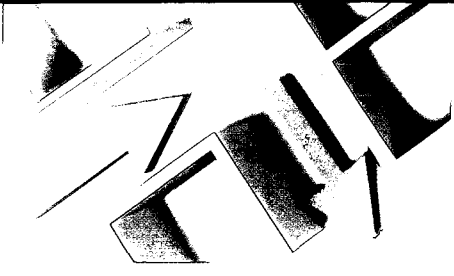
Background

When ad valorem taxes become delinquent and are uncollectable, the assessed property may be sold to recoup the unpaid taxes.² Despite the desire to collect taxes, particularly in tight-budget times, strict adherence to statutory procedure must be rigorously enforced.³ Provided that statutory procedure is followed, the governmental revenue interest is fulfilled by the tax sale. Therefore, the remaining competing interests in the redemption of land sold for delinquent taxes are those of the tax sale purchaser and the owner or, as is often the case, the owner's mortgagee. Given the judicial hesitance toward governmental property divestitures, the Alabama legislature has likewise codified statutory procedures for the redemption of land sold for collection of ad valorem taxes.⁴ Additionally, the judiciary strictly scrutinizes tax sale procedure to protect landowner and lienholder rights.⁵

The statutory requirements serve as a legislative determination of an equity balance between the competing interests after a tax sale is conducted. The jurisdictional prerequisites for a valid tax deed and marketable title can be thought of as a six-step process:⁶ (1) a valid assessment of the land;⁷ (2) a report from the tax collector to the probate court stating the inability to collect the assessed taxes;⁸ (3) notice to the taxpayer of delinquent taxes;⁹ (4) decree of sale from the county's probate judge;¹⁰ (5) execution of the decree of sale;¹¹ and (6) the issuance of a tax deed.¹² A defect in the process will likely lead to a tax sale being declared void. For a tax sale purchaser, the outcome of a marketable title is thus left vulnerable on two fronts: redemption of the land and a judicial finding of deficiencies in the tax sale procedure.

Redemption

When ad valorem taxes cannot be collected, property may be sold in a tax sale to recover the value of unpaid taxes. Following a public tax sale which must garner at least the amount of delinquent taxes, a tax sale purchaser receives a certificate of purchase



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at the time of the sale. Three years later, if no issues arise as to possession or the validity of the tax sale, the tax purchaser receives a tax deed to the land. While this chain of events depicts a rosy scenario, investment in tax sale property is a game of speculation. Owners may redeem rights to their property by depositing with the probate court an amount including tax sale price; any delinquent taxes; costs, fees and interest; insurance paid by the purchaser; and the value of preservation improvements. The redemption process in Alabama is determined largely by statute, and procedures vary, depending on the avenue of redemption pursued by the owner. Under the *Alabama Code*, the individuals entitled to redeem the property sold at a tax sale are the owner, his heirs or personal representative; mortgagees; subsequent purchasers of the property; and other persons having a legal or equitable interest in the land.¹³

Statutory Redemption

Statutory redemption procedure is dependent upon the identity of the

purchaser at a tax sale. A party seeking to redeem the property sold to the state must make an application to the probate judge in the county where the land is located using a form provided by the land commissioner.¹⁴ In addition to the application, the party must include a deposit equal to the amount of the tax sale price, subsequent tax assessments, interest, costs, and fees.¹⁵ If the land is also located within a municipality, the party must also deposit the amount of unpaid municipal taxes and the value of the taxes that were not assessed due to the state's ownership interest in the land.¹⁶ Unlike the procedure for lands purchased by parties other than the state, the land may be redeemed at any time before the title passes out of state ownership.¹⁷

Redemption of land purchased by a party other than the state is governed by a time limitation.¹⁸ Land may be redeemed three years from the date of the tax sale.¹⁹ Like the process of redeeming land purchased by the state, the redemptioner must deposit a sum equal to the amount paid by the purchaser at the tax sale, plus any taxes subsequently paid, interest, costs and fees accrued.²⁰ Mortgagees, however, are treated as a special class. In an effort to protect nonresident mortgagees, the *Alabama Code* provides that mortgagees are entitled to redeem within one year of written notice of the tax sale.²¹ As *Alabama Mineral Land Co. v. McFry* states, "[n]o time is specified for the giving of such notice. Clearly it can be given immediately after the tax sale, in which event the one-year provision would run concurrently with the [three]-year limit." Therefore, in the event that the three-year time limitation has elapsed and no notice has been given, the mortgagee is still entitled to redeem.²²

Judicial Redemption

Judicial redemption is available to owners who have retained possession of the land sold at a tax sale. Because judicial redemption is limited to owners in possession, it "sounds in equity, not in law."²³ It has been noted that "[t]he purpose of § 40-10-83 is to preserve the right of redemption without limit of time, if the

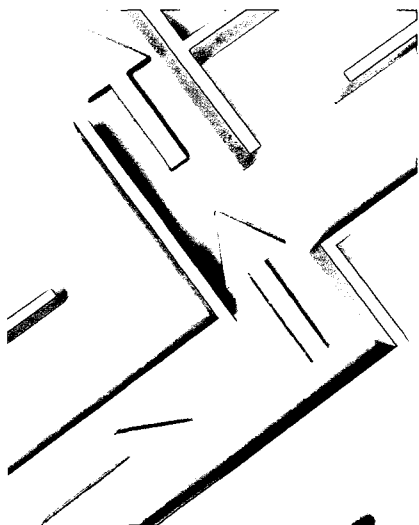
owner of the land seeking to redeem has retained possession."²⁴ Redemption exercised under § 40-10-82 and § 40-10-83 removes the time limitation present in a statutory redemption scheme. If the tax sale purchaser is in possession of the land, the proper avenue for redemption is necessarily statutory.

The requirements for judicial redemption have evolved through common law and been codified in the *Alabama Code*. In order to redeem, the owner—or other party capable of redeeming the property²⁵—must file a complaint against the party claiming an interest in the land under a tax title and retain possession of the land.²⁶ Additionally, there can be no lawsuit pending to “enforce or test [the tax purchaser’s] claim.”²⁷ Thus, the redemptioner can affect judicial redemption by either filing an original civil action—typically a quiet title action—against the tax sale purchaser or by filing a counter claim in the tax sale purchaser’s ejectment action. Provided that the requirements have been met, the court can then determine the amount necessary to redeem the property.²⁸ Further, under § 40-10-83, “if the person against whom the taxes were assessed makes a motion to the court before trial, the court may render a judgment against him for the purchase amount, subsequent taxes, and reasonable attorneys’ fees, and the judgment shall be a lien on the land.”²⁹ By pursuing judicial redemption, the party in possession of the land seeking to redeem the property can

do so without waiting for an ejectment action.³⁰

The evolution of case law regarding possession requirements³¹ was codified in 2009.³² As stated in the statute, the “character of possession need not be actual and peaceful, but may be constructive and scrambling.”³³ In instances where there is “no real occupancy of the land, constructive possession follows the title of the original owner and will not be cut off by any possession by the tax purchaser short of adverse possession.”³⁴ With regards to scrambling possession the court in *Standard Contractors Supply Co. v. Scotch* held that the scrambling possession of the owner and tax sale purchaser simultaneously will not deprive the owner of his or her right to seek judicial redemption.³⁵

While judicial redemption removes a time limitation for owners who remain in possession, § 40-10-82 establishes a short statute of limitations in tax deed cases.³⁶ A three-year time limitation applies from the date that the tax purchaser is entitled to demand a tax deed on the property.³⁷ A tax sale purchaser becomes entitled to a tax deed three years after the date of the tax sale.³⁸ Alabama has consistently held that “in order for the short statute period of § 40-10-82 to bar redemption under § 40-10-83, the tax purchaser must prove continuous adverse possession for three years after he is entitled to demand a tax deed.”³⁹ Therefore, only actual, peaceable possession by the tax sale purchaser,



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The burden of proving the compliance with statutory requirements is on the party claiming an interest under the tax title and courts “give a strict construction to such proceedings in determining the question of their regularity and validity.”

shown *at the time of filing the complaint*, can cut off constructive possession by the original owner and trigger the short statute of limitations.⁴⁰ Possession by the tax purchaser is considered adverse, and therefore the land “need only be used in a manner consistent with its character.”⁴¹ However, if the owner in possession has relinquished possession, he or she may not wrongfully reenter the property to regain possession as required by judicial redemption.⁴²

Impact of Void Tax Sales

Compliance with the statutory requirements for assessing *ad valorem* taxes and ultimately conducting a tax sale can undermine the tax sale and the tax sale purchaser’s claim of right. As noted, redemption statutes are construed in favor of the redemptioner.⁴³ The six-step procedure presents a field of landmines for would-be investors. At the outset, the assessment of the tax must be valid. As required by statute, the assessment must be made against the proper party;⁴⁴ must sufficiently describe the property assessed;⁴⁵ must not be a double assessment⁴⁶ and must reflect proper and fair valuation of the property.⁴⁷ Provided that the assessment is valid, the tax collector has to file a report with the probate court stating that the collector was unable to collect taxes without a sale of land.⁴⁸ Prior to the issuance of a decree of sale from the probate judge,⁴⁹ the taxpayer must be noticed of the delinquent taxes.⁵⁰ Execution of the decree of sale also must be in compliance with the statutory safeguards.⁵¹ Alabama law is a three-step process to executing the decree of sale: 1) notice the tax sale;⁵² 2) conduct the sale;⁵³ and 3) issue a certificate of purchase.⁵⁴ Finally, three years after the date of the tax sale, the purchaser is entitled to a tax deed.⁵⁵

Despite the layers of procedural prerequisites to obtain marketable title, the validity of the tax sale is subject to challenge. In Alabama, “a tax sale is void in the absence of evidence that the requirements of the statutes have been complied with.”⁵⁶ The

burden of proving the compliance with statutory requirements is on the party claiming an interest under the tax title and courts “give a strict construction to such proceedings in determining the question of their regularity and validity.”⁵⁷ The height of judicial apprehension about the validity of a tax sale is in the three-year window between the issuance of the certificate of purchase and the issuance of a tax deed. If an owner has not sought redemption by that point, it is unlikely that he will do so in the future. Thus, a tax deed issued by the probate judge serves as *prima facie* evidence that the tax sale was valid.⁵⁸

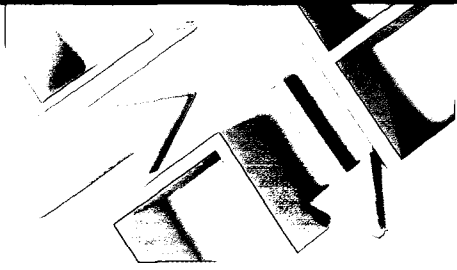
Because a void tax deed confers color of title, a tax sale purchaser can adversely possess property to cut off the original owner’s right of redemption and enforce the short statute of limitations. The short statute of limitations has been held to apply in cases with void tax sales where there has been “actual, open and notorious adverse possession for three years by the tax purchaser or his successor in title.”⁵⁹ If the tax sale purchaser does not adversely possess the land, the original owner’s right to redeem remains unaffected, because that owner has retained constructive possession needed to take judicial redemption action.⁶⁰

Limitations on Recovery

In addition to the possibility of redemption complications, other statutory provisions impose limitations and conditions on the tax purchaser recovering certain amounts. The return on investment of a tax sale purchase is statutorily limited in three key areas: interest, attorneys’ fees and costs of preservation and permanent improvements. A tax sale purchaser is required pay the amount of money which the land was sold for at the tax sale plus 12 percent interest.⁶¹ While 12 percent is a significant improvement over the rate yields for savings accounts, proposed legislation during the 2011 session sought to reduce the interest rate to one percent.⁶² The bill, however, was not reported out of committee.

Limitations on attorneys' fees and recovery of investment in improvements are the most frequently litigated issues because of their ambiguity. Attorneys' fees are not available under the statutory redemption scheme.⁶³ In judicial redemption, attorneys' fees are allowed in limited circumstances: "[w]hen the action is against the person for whom the taxes were assessed or the owner of the land at the time of the sale," a reasonable attorney's fee may be available to the *plaintiff only* in a judicial redemption action.⁶⁴ While the tax sale purchaser is often the plaintiff, bringing a suit to eject the landowner, "when a tax-purchaser is the defendant he is not entitled to attorney fees."⁶⁵ The attorney's fee provision in § 40-10-83 has been interpreted as providing that "it is only in suits brought by the purchaser at the tax sale that the owner must pay an attorneys' fee."⁶⁶

In 2002, the legislature added preservation and permanent improvements to the class of monies recoverable. The revised statute allows the purchaser at a tax sale to recover the value of preservation improvements made on the property if the property contains a residential structure, or if the value of permanent improvements made to the property are located within an urban renewal or urban redevelopment project area.⁶⁷ As defined by the statute, "permanent improvements" are "all repairs, improvements, and equipment attached to the property as fixtures."⁶⁸ Preservation improvements are defined as "improvements made to preserve the property by properly keeping it in repair for its proper and reasonable use, having due regard for the kind and character of the property at the time of sale."⁶⁹ The recovery for improvements is subject to a strict time limitation. To receive reimbursement for improvements, statutory redemption requires a purchaser's response to a redemptioner's request for improvement figures within 10 days, or improvement value will not be paid.⁷⁰ Because this is a relatively new addition to the law of redemption, the contours of the right to recover for improvements is not quite clear.



To receive reimbursement for improvements, statutory redemption requires a purchaser's response to a redemptioner's request for improvement figures within 10 days, or improvement value will not be paid.

Manufactured Homes

The complexity of redemption gives rise to a question about the status of manufactured homes on land sold at a tax sale. In Alabama there are more than 2.1 million housing units.⁷¹ Of those, over 300,000 are manufactured homes.⁷² Making up more than 13 percent of the housing units in Alabama, manufactured homes comprise a significant percentage of Alabama's residences. However, their differences from other types of homes create an interesting situation with tax sale redemption.

The *Alabama Code* defines "real property" as "[l]and and all things thereunto pertaining, all structures, and all things annexed or attached thereto which would pass to a vendee by the conveyance of the land or property."⁷³ Although the manufactured

home is affixed to the land, the title to a manufactured home is not conveyed with the deed, nor is a description contained in the deed. Under Alabama statute and administrative code, manufactured homes located on land *owned by the manufactured homeowner* are taxed as realty and considered to be improvements to that realty.⁷⁴ However, they remain subject to titling requirements as personalty.

Like vehicles, all manufactured homes less than 20 years old must be registered and titled.⁷⁵ The owner of the manufactured home may apply to have the title cancelled if it is permanently affixed to property owned by the same owner as the home and subject to no liens.⁷⁶ By detitling, the home is subject to treatment as real property.⁷⁷ Absent applying to have the title cancelled, however, the home remains personal property under the statute. Because manufactured homes must be titled as personalty, the law protects the interests of manufactured home lienholders.⁷⁸

Faced with the issue of whether a manufactured home was transferred by tax deed to a tax sale purchaser, the Alabama Court of Civil Appeals did not hesitate in finding that it did not. The court stated succinctly that "the redemption statutes apply to the redemption of land, or real property, which [a] manufactured home is not."⁷⁹ Additionally, the court found that "the treatment of certain manufactured homes 'as realty' for purposes of ad valorem taxation does not serve to convert them to real property."⁸⁰ The ruling echoes the treatment of manufactured homes in other states, such as Tennessee and Indiana. Given the number of manufactured homes in Alabama, the treatment of them as personalty serves as a significant limitation, as a tax purchaser may not invoke the redemption statutes to support any claim for recovering preservation or improvement costs.

Conclusion

It is likely that the law surrounding tax sales and redemptions will continue to evolve. Meanwhile, attorneys for investors

interested in placing bets by purchasing tax certificates would do well to fully investigate the limitations on the amounts their clients can reasonably hope to recover. | AL

Endnotes

1. From 2008–2011, many counties in Alabama have experienced a 50 percent or more increase in the number of delinquent ad valorem tax bills that remain unpaid by property owners. During the same period of time, the average interest rate paid on a pass-book savings account has dropped from 4.0 percent to less than 0.8 percent on average.
2. ALA. CODE §40-10-1 (1975) provides that: “The probate court ... may order the sale of lands therein for the payment of taxes assessed on the lands, or against the owners of the lands, when the tax collector shall report to the court that [they]... [were] unable to collect the taxes assessed against the land....”
3. Given the implication of a tax sale, divesting a property owner of his or her property, procedural due process requires that tax sales be conducted in accordance with statutory procedure in order to be deemed valid in the instance of judicial challenge. The Alabama Supreme Court has stated that “in a sale of real property for taxes great strictness is required and the statutory provisions must be rigorously pursued.” *Reuter v. Mobile Bldg. & Const. Trades Council*, 150 So. 2d 699, 700 (Ala. 1963).
4. See ALA. CODE §§40-10-120 through -143 (1975).
5. The court has stated that “the redemption statutes are to be construed most favorably to the redemptioner.” *Reuter v. Mobile Bldg. & Const. Trades Council*, 150 So.2d 699, 702 (Ala. 1963).
6. See Ernest H. Hornsby, “Tax Assessments, Tax Sales, and Tax Deeds in Alabama” 25 Ala. L. Rev. 535, 536 (1973).
7. ALA. CODE §§ 40-7-2 to 47 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
8. ALA. CODE § 40-10-1 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
9. ALA. CODE §§ 40-10-4 to 8, 14 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
10. ALA. CODE §§ 40-10-11, 15-28 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
11. ALA. CODE § 40-10-12 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
12. ALA. CODE §§ 40-10-29 to 30 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
13. ALA. CODE § 40-10-120(a) (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
14. ALA. CODE § 40-10-121 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
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16. ALA. CODE § 40-10-121 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
17. ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
18. See William R. Justice, *Redemption of Real Property Following Tax Sales in Alabama*, 11 CUMB. L. REV. 331, 334 (1980); ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
19. ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session). Also, if the land passes out of state ownership, the three-year time limitation applies. See *Kilgore v. Gamble*, 253 Ala. 334, 336, 44 So. 2d 767, 768 (1950).
20. ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
21. *Ala. Mineral Land Co. v. McFry*, 236 Ala. 632, 636, 184 So.192, 194 (1938); ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
22. *Ala. Mineral Land Co. v. McFry*, 236 Ala. 632, 636, 184 So.192, 194 (1938).
23. *First Props., L.L.C. v. Bennett*, 959 So. 2d 653, 656 (2006).
24. *O'Connor v. Rabren*, 373 So. 2d 302, 306 (Ala. 1979) (citing *Moorer v. Chastang*, 247 Ala. 676, 26 So. 2d 75 (1946)).
25. Under ALA. CODE §40-10-83 the class of individuals allowed to redeem the land is defined as “the owner of the land at the time of the sale, his or her heir, devisee, vendee or mortgagee.”
26. *Moorer v. Chastang*, 247 Ala. 676, 679-80, 26 So.2d 75, 78 (1946).
27. *Id.*
28. *Id.*
29. William R. Justice, “Redemption of Real Property Following Tax Sales in Alabama,” 11 CUMB. L. REV. 331, 336 (1980).
30. *Morris v. Card*, 135 So. 340, 343 (Ala. 1931).
31. See William R. Justice, “Redemption of Real Property Following Tax Sales in Alabama,” 11 CUMB. L. REV. 331 (1980).
32. 2009 Ala. Acts 937.
33. ALA. CODE § 40-10-82 (West, Westlaw through Act 2011-255 of the 2011 Regular Session); see also *Giardina v. Williams*, 512 So. 2d 1312, 1314 (1987).
34. *O'Connor v. Rabren*, 373 So. 2d 302, 306 (1979) (citing *Tensaw Land & Lumber Co. v. Rivers*, 244 Ala. 657, 15 So. 2d 411 (1943)).
35. *Standard Contractors Supply Co. v. Scotch*, 247 Ala. 517, 519, 25 So.2d 257, 258 (1946) (citation omitted).
36. *Gulf Land Co., Inc. v. Buzzelli*, 501 So. 2d 1211, 1213 (1987) (citations omitted).
37. *Id.*
38. ALA. CODE § 40-10-29 (1975).
39. *Stallworth v. First Nat. Bank of Mobile*, 432 So. 2d 1222, 1224 (Ala. 1983)
40. *Gulf Land Co., Inc. v. Buzzelli*, 501 So. 2d 1211, 1213 (1987) (citations omitted).
41. *O'Connor v. Rabren*, 373 So. 2d 302, 306 (Ala. 1979) (citing *Turnham v. Potter*, 289 Ala. 685, 271 So.2d 246 (1972)).
42. *O'Connor v. Rabren*, 373 So. 2d 302, 306 (Ala. 1979).
43. *Reuter v. Mobile Bldg. & Const. Trades Council*, 274 Ala. 614, 617,

- 150 So.2d 699, 702 (1963).
44. ALA. CODE § 40-7-17 (West, Westlaw through Act 2011-255 of the Regular Session).
 45. ALA. CODE §§ 40-7-16, 40-10-72 (West, Westlaw through Act 2011-255 of the Regular Session).
 46. *Pickler v. State*, 149 Ala. 669, 670, 42 So.1018, 1019 (1906).
 47. ALA. CODE § 40-7-15 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 48. ALA. CODE § 40-10-1 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 49. ALA. CODE §§ 40-10-11, 15-28 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 50. ALA. CODE §§ 40-10-4 to 8, 14 (West, Westlaw through Act 2011-255 of the 2011 Regular Session). In instances where the owner is unknown, the tax delinquency must be published.
 51. ALA. CODE § 40-10-12 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 52. ALA. CODE § 40-10-12 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 53. ALA. CODE § 40-10-15 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 54. ALA. CODE § 40-10-19 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 55. ALA. CODE § 40-10-29 (1975).
 56. *State ex rel. Gallion v. Graham*, 273 Ala. 634, 636-37, 143 So.2d 810, 812 (Ala. 1962) (citations omitted).
 57. *Laney v. Proctor*, 236 Ala. 318, 319, 182 So.37, 38 (1938).
 58. ALA. CODE § 40-10-30 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 59. *Grice v. Taylor*, 273 Ala. 591, 593, 143 So.2d 447, 449 (1962).
 60. *See Timms v. Scott*, 248 Ala. 286, 287, 27 So. 2d 487, 488 (1946).
 61. ALA. CODE § 40-10-121
 62. S.B. 332, 2011 Leg. Sess. (Ala. 2011); H.B. 388, 2011 Leg. Sess. (Ala. 2011).
 63. ALA. CODE § 40-10-120 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 64. ALA. CODE § 40-10-83 (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 65. *State Dep't of Revenue v. Price-Williams*, 594 So.2d 48, 53 (1992) (citing *Morris v. Card*, 223 Ala. 254, 135 So. 354 (1931)).
 66. *Nat'l Fireproofing Corp. v. Hagler*, 226 Ala. 104, 106, 145 So.421, 423 (1932).
 67. ALA. CODE § 40-10-83 (1975); ALA. CODE § 40-10-122 (1975).
 68. ALA. CODE § 40-10-122 (1975).
 69. ALA. CODE § 40-10-122 (1975).
 70. *Ross v. Deutsche Bank Nat'l Trust Co.*, 56 So. 3d 679, 683 (Ala. 2010).
 71. American Community Survey, "Selective Housing Characteristics, Alabama" (2010).
 72. *Id.*
 73. ALA. CODE § 40-1-1(13) (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 74. ALA. CODE § 40-11-1 (West, Westlaw through Act 2011-255 of the 2011 Regular Session); ALA. ADMIN. CODE r. 810-4-2.02 (2010).
 75. ALA. CODE § 32-20-20(a) (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 76. ALA. CODE § 32-20-20(b) (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 77. ALA. CODE § 32-20-20(b) (West, Westlaw through Act 2011-255 of the 2011 Regular Session).
 78. *See Green Tree-AL v. Dominion Resources*, 2011 WL 3963010 (Ala. Civ. App. 2011).
 79. *Green Tree-AL v. Dominion Resources*, 2011 WL 3963010, *9 (Ala. Civ. App. 2011).
 80. *Green Tree-AL v. Dominion Resources*, 2011 WL 3963010, *8 (Ala. Civ. App. 2011).

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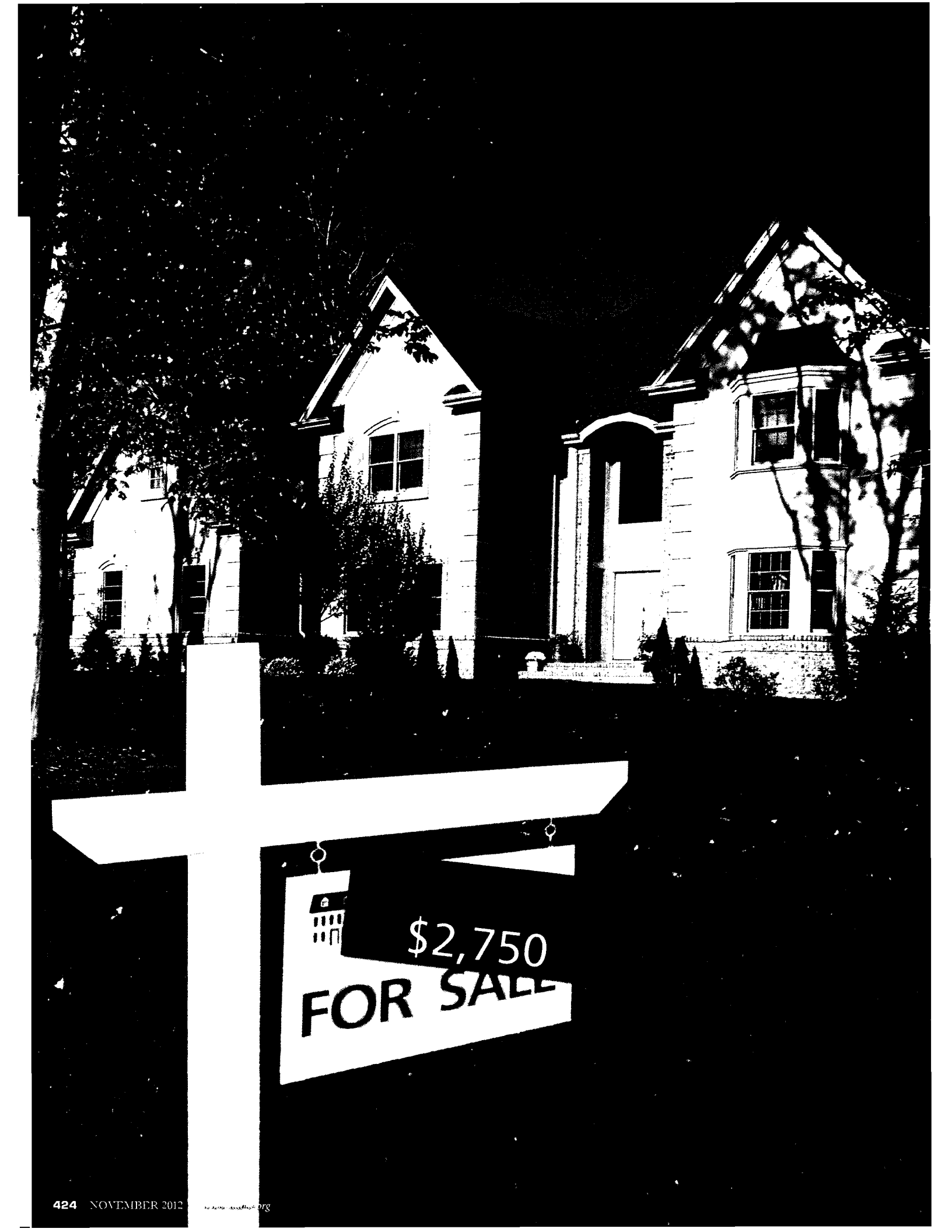
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