

**Are there deeds that are not recordable in the office of the Morgan County probate judge?**

**ANSWER: Yes (See below)**

1. **Code of Alabama Section 35-4-73. Recitation of marital status of grantor or vendor required:** probate judge not liable for good faith error; false recitation a misdemeanor.

(a) No Deed, contract or other conveyance of land or any interest therein, whether legal or equitable, shall be accepted for record by the probate judge unless it contains a recitation of the marital status of an individual grantor or vendor; provided, that this section shall apply only to instruments executed subsequent to July 21, 1972.

**(Acts 1971, 3<sup>rd</sup> Ex. Sess., No. 172, p.4422)**

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2. **Code of Alabama Section 35-4-74. Necessity for including plat or description of plat book, etc.;** probate judge not liable for good faith error.

(a) No instrument, other than a will, purporting to create or transfer any interest in land shall be accepted for record by a probate judge if such instrument describes the land in which such interest is to be created or transferred by reference to plat and the plat is not attached to and made a part of the instrument or the instrument does not describe the plat book and the office in which such plat book is to be found and there is no description of the land by metes and bounds; provided, that this section shall apply only to instruments executed subsequent to July 21, 1972; provided further, that where, prior to July 21, 1972, any person has received a conveyance of land, or any interest therein, in which the land is described by reference to a plat which is not recorded and which is not available to him, this section shall not apply if grantor or mortgagor recites in any instrument executed after July 21, 1972, that plat is lost, destroyed or unavailable for recording.

**(Acts 1971, 3<sup>rd</sup> Ex. Sess., No. 171, p.4422)**

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3. **Code of Alabama Section 35-4-110.** Instrument not recorded unless statement endorsed on it.

No probate judge shall receive for record or permit the recording of any instrument in which the title to real property, or any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned or otherwise disposed of, or any instrument relating to the organization, reorganization, or dissolution of a private corporation, unless such instrument has endorsed on it a printed, typewritten or stamped statement showing the name and address of the individual who prepared the instrument. If the instrument is in part composed of a printed form the person preparing the instrument shall be the person who filled in the blanks in the form or examined the entries made in such blanks by some other person.

(Acts 1965 No. 624, p. 1137, §1; Acts 1969, No. 121, p.397; Acts 1971, 3<sup>rd</sup> Ex. Sess., No. 178, p. 4438, §1.)

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**Act No. 81-651 H. 1097-Rep. Patton**

AN ACT

Relating to Morgan County; to amend the Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), so as to require the mailing address of the grantors and grantees of real property deeds.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act 80-422, 1980 Regular session (Acts 1980, p. 584), is hereby amended to read as follows:

“An act Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on real property deeds recorded in the probate of such county.”

Be it Enacted by the Legislature of Alabama:

“Section 1. The probate judge of Morgan County shall not receive for record or permit the recording of any real property deed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, stating the mailing address of the grantor or grantee, respectively, or contains a statement of such addresses in the body of the instrument.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2; 00 P.M.