

IN THE DISTRICT COURT OF MOBILE COUNTY, ALABAMA

Effective January 1, 2007, Unlawful Detainer/Eviction Actions may not be filed by individuals acting as agents, property managers or representatives of property owners but only by lawyers or the person whose name is on the deed.

Effective January 1, 2007, the provisions of Title 35 (The Sanderson Act) eviction proceedings relating to Residential Landlord Tenant Evictions was repealed by the Uniform Residential Landlord Tenant Act (URLTA). The Alabama Legislature passed, and Governor Riley signed into law, the URLTA on April 6, 2006. There have been several newspaper articles in the Mobile Register and two lengthy summaries in the Alabama Lawyer regarding this new law. The changes are sweeping and complex in scope and nature. There are some equitable jurisdictional issues that make filing in Circuit Court necessary in certain circumstances. The equitable jurisdiction of the District Court is very limited.

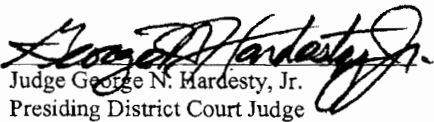
Title 35 of the Code of Alabama 1975 was amended by adding Chapter 9A in addition to repealing the Sections 35-9-4 and 35-9-80 through 88 of the Sanderson Act. **The provisions of Title 9A dramatically change many of the required notices, affidavits, counter-affidavits, location for filing documents, time periods, obligations, duties, procedures, rules, policies, requirements, counter-claims, appeals and remedies for both Landlords and Tenants. No pre-printed forms are available for these actions. A formal and detailed legal complaint must be prepared and must state the necessary jurisdictional and factual allegations as well as pray for the appropriate relief.**

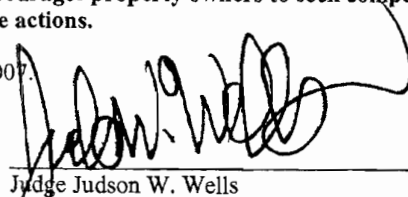
The District Court Clerks are not permitted to advise litigants as to what to file or what to include in the complaint and/or answer. These cases may involve extremely complex legal issues and the clerks cannot give legal advice of any kind. It is entirely possible, and indeed highly likely, that some of the legal issues may not be fully understood and/or resolved until future appeals work their way up to and through the Alabama Supreme Court ... or perhaps even further.

The legislature did not consult with this District Court regarding the changes in these actions, however, the District Court must, and will, follow this new law and it will be enforced as fairly and as strictly as is reasonably possible in order to minimize the potential confusion associated with such dramatic changes in legal practice. **You are strongly encouraged to contact a lawyer if you must litigate under this new law.** The Court has emphatically attempted to convey to the public the magnitude of the changes that are contemplated by this new law even to the point of having a public meeting with lawyers, property owners, property managers and all four Judges to discuss some of the issues facing the public, the lawyers and the Courts.

If an individual owns real property affected by this law in their own name (not in a corporate, LLC or other artificial name) they are legally entitled to file a lawsuit on their own behalf, however, this practice is very strongly discouraged by the Court because of the highly complex new legal issues involved and **amendments to pleadings will not be freely granted. The Alabama Rules of Civil Procedure must be, and will be, strictly applied to these actions. These are not Small Claims Actions and the Small Claims Rules definitely do not apply to these cases. The Court realizes that this law and the rules may work significant and very regrettable hardships in some instances to some litigants and that is why this notice so strongly encourages property owners to seek competent legal advice, assistance and representation when litigating these actions.**

Done and ordered this 4th day of January 2007.


Judge George N. Hardesty, Jr.
Presiding District Court Judge


Judge Judson W. Wells


Judge Charles N. McKnight


Judge Michael H. McMaken