



MARION COUNTY JUDGE OF PROBATE

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WELCOME TO THE MARION COUNTY PROBATE COURT'S WEBSITE

Welcome to the Marion County Probate Court's website. This site has been developed to assist the citizens of Marion County and other interested parties with matters that come within the Court's areas of responsibility.

I was elected to serve as Marion County's Judge of Probate in 2018 and I took office in January, 2019. During the election process I learned that many of our citizens were not familiar with the Probate Court or the duties and responsibilities of the Judge of Probate. Hopefully, you will gain new insight and a better appreciation and understanding of the Marion County Probate Court by reviewing this website.

The Judge of Probate deals with a number of important life issues and concerns and touches persons residing in Marion County from "cradle to grave." All residents of Marion County, no matter their age, gender, race, social or economic status regularly come in contact with the Probate Court. **The Probate Court Is The Court Of The People.**

My staff and I are dedicated to serving the citizens of Marion County. In every area of responsibility assigned to the Judge of Probate, our goal is to be: (1) prompt; (2) courteous; (3) fair-minded; (4) accurate; and (5) available when needed. With regard to judicial matters, the mission of the Probate Court is to provide an impartial and accessible forum for the just, timely and economic resolution of judicial proceedings within the Court's jurisdiction, so as to protect individual rights and liberties and promote public trust and confidence. In all instances, the Probate Court is committed to following applicable law.

This website is designed and offered to facilitate the mission of the Probate Court and these goals being met. If the staff of the Probate Court or I can be of assistance to you, I trust that you will not hesitate to contact us.

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Paige Nichols Vick

Major Areas of Responsibility

The major areas of responsibility of the Marion County Judge of Probate are as follows:

Judicial	Adoptions and Contests to Adoptions, Involuntary Commitment of the Mentally Ill, Condemnation of Privately Owned Land for Public Use (Eminent Domain) , Guardianship and Conservatorship Proceedings for Minor Children and Adults Who Are Mentally and/or Physically Incapacitated, the Administration of Decedents' Estates (whether or not the decedent had a last will and testament), and Trust Administration.
Public Records	The Judge of Probate is the custodian of Marion County's public records, including deeds, real estate mortgages, and the like.
Elections	The Judge of Probate is the Chief Election Officer of Marion County. The Judge of Probate serves, along with the Sheriff of Marion County and the Clerk of the Circuit Court of Marion County, as chairman of the boards which oversee the election process in Marion County and appoints all local election officials.
Marriages	The Judge of Probate is responsible for the issuance of marriage licenses.
Notaries Public	The Judge of Probate appoints notaries public, who are authorized to administer certain oaths and certify the execution of certain documents.
Licensing	The Judge of Probate is the responsible for the local renewal of Alabama Driver's Licenses, Hunting and Fishing License, and Business Licenses.
Boat Registration	The Judge of Probate is responsible for the local renewal of boat registrations, boat registration transfer, new registrations, and responsible for the collection of boat sales taxes.

ADOPTIONS

WHAT IS AN ADOPTION?

Adoption is the legal procedure through which a minor is recognized by law as being the son or daughter of the adopting adult(s) and as having all of the rights and duties of such relationship, including the right of inheritance. The adoptee takes the name designated by the petitioner.

WHO MAY ADOPT?

Any person who is 19 years or older may adopt a minor child. The Alabama Adoption Code specifically prohibits discrimination in granting adoptions on the basis of marital status or age.

WHO CAN BE ADOPTED?

A minor, defined as being a person under the age of 19 years, may be adopted.

WHAT STEPS ARE USUALLY INVOLVED IN AN ADOPTION?

1. Preplacement investigation (may petition Court or go to Department of Human Resources or a licensed child placement agency).
2. All necessary consents and/or relinquishments concerning the adoption are obtained.
3. Guardian ad litem is appointed when either natural parent of the adoptee is a minor or in the event of a contested hearing.
4. Petition Court for authority to pay fees or expenses.
5. Placement of child with petitioner.
6. File petition for adoption 30 days after placement.
7. Serve notice or obtain waiver of notice on or from all parties entitled to notice of the adoption.
8. Post placement investigation.
9. Hearings.
10. Affidavits of non-payment.
11. Accounting of disbursements.

WHAT IS A PRE-PLACEMENT INVESTIGATION?

Investigation conducted for the purpose of determining the suitability of each petitioner and the home in which the adoptee will be placed. The investigation will include a criminal background search and will focus on any other circumstances relevant to the placement of the adoptee.

IS IT ALWAYS NECESSARY TO HAVE A PRE-PLACEMENT INVESTIGATION?

Yes, unless the persons seeking to adopt is a close relative of the adoptee as listed in Alabama Code §§26-10A-27; 26-10A-28 (1975).

WHOSE CONSENT TO THE ADOPTION IS REQUIRED?

1. The adoptee, if 14 years or older, unless mentally incapable of giving consent.
2. The adoptee's mother.
3. The adoptee's presumed father if he meets the requirements set out in Alabama Code § 26-10A-7(c) (1975).
4. The agency to whom the adoptee has been relinquished or which holds permanent custody, except that a court may grant an adoption without the agency's consent when it would be in the child's best interest and the agency's withholding of consent is unreasonable.
5. The putative father if known; provided that he responds within 30 days after receiving notice of the adoption.

CAN A MINOR CONSENT TO THE ADOPTION OF HIS OR HER CHILD?

Yes, however, prior to such consent the Court must appoint a guardian ad litem to represent the minor parent's interests. A minor who is 14 years of age or older can nominate a guardian ad litem to protect his or her interests.

CAN A PERSON REVOKE A CONSENT TO ADOPTION EXECUTED BY HIM OR HER DUE TO THE FACT THAT AT THE TIME THE CONSENT WAS GIVEN THAT PERSON WAS A MINOR?

No, a consent or relinquishment executed by a parent who is a minor shall not be subject to revocation by reason of such minority.

WHEN, WHERE AND IN WHAT FORM MUST A CONSENT OR RELINQUISHMENT FOR ADOPTION BE GIVEN?

A consent or relinquishment for adoption may be given at any time. The prebirth consent of the mother must be signed or confirmed before a probate judge. All other prebirth or post-birth consent or relinquishments must be signed or confirmed before the probate judge or clerk of the Probate Court, or someone appointed by the agency conducting the investigation or a notary public. The consent or relinquishment must be in substantially the same form as provided in the Alabama Adoption Code and must be in writing and signed by the person consenting or relinquishing.

WHEN MAY A CONSENT OR RELINQUISHMENT BE WITHDRAWN?

A consent or relinquishment may be withdrawn for any reason five days after the birth of the adoptee or five days after the signing of the consent or relinquishment whichever occurs later. The time to withdraw the consent or relinquishment can be expanded to 14 days if the Court finds that such delay is reasonable under the circumstances and is in the best interest of the child.

WHERE IS A PETITION FOR ADOPTION FILED?

A petition for adoption may be filed in the Probate Court of any of the following counties: where the minor resides; where the petitioner resides or is in military service, or where the office of the agency or institution having guardianship or custody of the minor is located.

WHEN IS A PETITION FOR ADOPTION FILED?

The adoption petition must be filed within 30 days after the minor is placed with the prospective adoption parent(s) for adoption. If the person seeking the adoption is a stepparent or relative of the adoptee then the adoptee must reside with the petitioner for a year. The Probate Court, for good cause, may waive the residency requirement in stepparent or related adoptions.

CAN I PAY THE PARENT OF A MINOR OR UNBORN CHILD FOR THE CHILD?

No! An offer to make such payment is a Class A misdemeanor, to receive payment for a person's consent to adoption is a Class C felony.

WHAT EXPENSES CAN I PAY?

A person seeking to adopt a child may pay maternity-connected medical or hospital expenses and necessary living expenses of the mother preceding and during pregnancy and during pregnancy related incapacity as long as such payments are made as an act of charity and such payment is not contingent upon placement of the child for adoption. All fees and expenses, including legal, medical, investigative, or other legitimate professional fees may only be paid with the Probate Court's approval.

HOW CONFIDENTIAL IS AN ADOPTION?

The Alabama Adoption Code was designed to keep an adoption as confidential as possible.

1. Before a final adoption decree is rendered the only people with access to the adoption records are the petitioner, the petitioner's attorney, the preplacement

investigator, and any attorney appointed or retained by the minor being adopted. No other person has access to the adoption records unless they obtain a court order after showing good cause to allow them to inspect the records.

2. All adoption hearings are confidential and held in a closed court proceeding open only to the interested parties and their counsel, except with permission of the Court.
3. After the final decree of adoption is entered, all documents pertaining to the adoption are sealed and identifying information cannot be obtained by anyone except the adoptee under limited circumstances. (see below).
4. The natural parent(s) may consent in writing under oath to disclosure of identifying information to the adoptee when such adoptee reaches the age of 19. The adoptee upon reaching the age of 19 may petition the Probate Court for disclosure of identifying information. Such information will not be released to the adoptee without the natural parent consent unless the court determines it is best after weighing the interests of the parties involved.

WHAT IS THE DIFFERENCE BETWEEN AN ADOPTION BY A STEPPARENT OR CLOSE FAMILY MEMBER AND OTHER ADOPTIONS?

There is usually a lot less formality and requirements when the adoptee is being adopted by a stepparent or close family member. Unlike all other adoptions, usually no preplacement or postplacement investigation nor accounting of the cost relating to the adoption are required. In order to be exempt from these requirements, the adoptee must have lived with the petitioner for at least one year.

THIS INFORMATION PAGE, WHICH IS BASED ON ALABAMA LAW, IS TO INFORM AND NOT TO ADVISE. NO PERSON SHOULD EVER APPLY OR INTERPRET ANY LAW WITHOUT THE AID OF A LAWYER WHO ANALYZES THE FACTS, BECAUSE THE FACTS MAY CHANGE THE APPLICATION OF THE LAW.

INVOLUNTARY COMMITMENT OF THE MENTALLY ILL

WHAT IS AN INVOLUNTARY COMMITMENT?

An involuntary commitment is a procedure whereby a mentally ill person is involuntarily placed in the custody of the Alabama Department of Mental Health and Mental Retardation for treatment.

WHAT ELEMENTS MUST BE PRESENT IN ORDER TO COMMIT A PERSON?

1. The respondent is mentally ill; and
2. Because of the mental illness the person poses a real and present threat of substantial harm to himself or to others; and
3. Respondent will continue to experience mental distress and deterioration of ability to function independently if not treated; and
4. Respondent is unable to make a rational decision regarding treatment; and
5. Evidence that a person has actually been dangerous in the recent past and that such danger was manifested by an overt act, attempt or threat to do substantial harm to himself or another; and
6. Treatment is available for the person's mental illness or confinement is necessary to prevent the person from causing substantial harm to himself or to others; and
7. Commitment is the least restrictive alternative available.

WHO MAY FILE A PETITION TO INITIATE AN INVOLUNTARY COMMITMENT PROCEEDING?

Any person may seek to have another person committed by filing a petition with the Probate Court in accordance with Alabama Code §22-52-1.2 (1975).

WHAT MUST THE PETITION CONTAIN?

1. Name and address of the petitioner; and
2. Name and location of respondent's spouse, attorney or next of kin; and
3. That petitioner has reason to believe respondent is mentally ill; and
4. Petitioner's beliefs are based on specific behavior, acts, attempts or threats which are described in detail; and
5. Names and addresses of other people with knowledge of the respondent's illness or who observed the person's overt acts and who may be called as his witnesses.

WHERE IS THE PETITION FILED?

An involuntary commitment petition is filed in the Probate Court of the county where the respondent is located.

IS EXPERT TESTIMONY REQUIRED IN AN INVOLUNTARY COMMITMENT HEARING?

Although not required, it is advisable to have expert testimony to support a petition to commit since the petitioner must prove that the person is mentally ill and other elements that would seem to call for an opinion beyond that of a lay person.

A lay person may testify as to their opinion on a person's sanity as long as they have had adequate opportunity to observe that the respondent's conduct and have either normal or abnormal behavior.

A licensed general practitioner of medicine is considered an expert under Alabama law and may render expert testimony on a person's sanity.

MUST A GUARDIAN AD LITEM BE APPOINTED TO AID THE PERSON SOUGHT TO BE COMMITTED?

Yes, the Probate Court must appoint a guardian ad litem, who is an attorney, to represent and protect the rights of the respondent.

MUST THE COURT APPOINT ATTORNEYS TO REPRESENT THE PARTIES INVOLVED IN AN INVOLUNTARY COMMITMENT PROCEEDING?

1. For the respondent: yes, if such person lacks the mental ability to secure the services of an attorney or if such person lacks the funds to employ an attorney.
2. For the petitioner: yes, the Probate Court must appoint an attorney to advocate the petition to commit. The petitioner may employ an attorney on their own to appear in lieu of the appointed attorney.
3. If petition is denied, the petitioners may be required to pay all costs of the proceedings.

TO WHOM MUST THE COURT SEND NOTICE OF THE COMMITMENT PROCEEDING?

Notice of commencement of an involuntary commitment proceeding must be served on the respondent and the Alabama Department of Mental Health and Mental Retardation or other facility where the petition seeks to have the person committed.

WHAT IS THE PROCEDURE TO BE FOLLOWED AT THE HEARING?

1. The respondent has the right to be present unless waived (in writing) or presence would keep hearings from being conducted in an orderly manner.
2. A hearing is to be held by probate judge without a jury.
3. The hearings are to be open to the public unless requested otherwise by the respondent.
4. A full transcript of the hearing must be kept for three years beyond period of commitment.
5. The Alabama Rules of Evidence apply.

6. The respondent has the right to offer evidence, and to compel witnesses and the right to cross examine.
7. Respondent may testify in his own behalf but cannot be forced to testify against himself.
8. Commitment is granted only if the elements required for commitment are established by clear and convincing evidence.

WHAT ARE THE RESULTS OF THE HEARING?

If a commitment petition is granted, the order shall be entered for outpatient treatment or inpatient treatment. The least restrictive alternative necessary and available for the treatment of the respondent's mental illness shall be ordered. Inpatient treatment may be ordered at a state mental health facility or a designated mental health facility. Outpatient treatment may be ordered at a designated mental health facility if said facility consents to treat the respondent on an outpatient basis.

WHY MUST THE PRECEDING PROCEDURE BE RIGIDLY FOLLOWED?

The preceding procedure sets out the minimum requirements necessary for the commitment process to be constitutional under the procedural and substantive due process clauses.

WHAT FOLLOWS AN INITIAL COMMITMENT?

1. Initial commitment order valid for up to 150 days.
2. State must file a petition for renewal within 30 days of expiration of initial order, stating in detail reasons for renewal.
3. No renewal shall exceed one year.
4. Respondent must be released if renewal petition is not filed or is denied.
5. The Alabama Department of Mental Health and Mental Retardation has "an affirmative duty to provide adequate transitional treatment and care for all patients released after a period of involuntary confinement. Transitional care and treatment possibilities include, but are not limited to, psychiatric day care, treatment in the home by visiting therapist, nursing home or extended care, out-patient treatment, and treatment in the psychiatric ward of a general hospital."

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CONDEMNATION OF LAND FOR PUBLIC USE

"Eminent Domain" is one of the "rights" a sovereign government has - to take private property for public use. The Alabama Constitution [1901 Ala. Const. Art. I, §23] provides that just compensation must be paid to the landowner. The Alabama Constitution also provides for the exercise of eminent domain by cities, counties and other corporations and individuals vested with the right to take property for public use. [1901 Ala. Const. Art. XII, ' 235]. Jurisdiction to condemn privately owned land rests in the Probate Court. The Judge of Probate receives petitions for condemnation, conducts the necessary proceedings and issues the final condemnation order. In addition to condemnation for public uses, this jurisdiction extends to the erection of dams for mills, gins or factories, and to rights-of-way for private owners.

I PROCEDURE PRIOR TO COMMENCEMENT OF CONDEMNATION ACTION

A. Appraisal

Before beginning a condemnation action, a condemnor must have the property appraised to determine the amount that would constitute just compensation for the taking. The owner or the owner's representative must be given a reasonable opportunity to accompany the appraiser during the inspection of the property.

B. Offer

Before beginning a condemnation action, a condemnor must offer the owner an amount believed to be just compensation. The condemnor shall provide the owner with a written statement and a written summary showing the basis for the amount determined to be just compensation.

C. Payment Or Deposit Before Surrender Of Property

An owner is not required to surrender possession of the property before the condemnor either pays the agreed purchase price or deposits the amount awarded.

D. Notice

Except in an emergency, a condemnor may not require an occupant of the condemned property to move prior to a 90 day notice of the move.

E. Uneconomic Remnant

If the acquisition of part of the property would leave the owner with an uneconomic remnant, the condemnor must offer to buy the remnant.

F. Entry

A condemnor and its agents may enter the property for a reasonable time to make suitability studies unless good cause to the contrary is shown.

G. Offer As Prerequisite

The condemnor must offer to acquire the property at its approved offer before commencing the condemnation action.

II COMMENCEMENT OF CONDEMNATION ACTION

A. Filing Complaint

A condemnation action is begun by filing a complaint in the Probate Court in the county in which the property is located.

B. Service of Process

When the complaint has been filed, the Probate Court must set a date for the hearing and issue notice to the owner unless notice has been waived.

C. Owner's Response

The owner may respond to the complaint, but is not required to do so unless he challenges the right to condemn, disputes the area to be acquired or remain, or wishes to raise preliminary objections to the condemnor's procedure.

III DETERMINATION OF VALUE OF PROPERTY/DAMAGES SUSTAINED BY OWNER - PROCEDURE RELATING TO PAYMENT - APPEAL OF DECISION

A. Appointment of Commissioners

Within 10 days after granting the complaint, the Judge of Probate must appoint 3 citizens to serve as commissioners. Commissioners must be eligible to serve as

jurors in Marion County and must be disinterested in the case. In other words, the commissioners cannot have a relationship with the condemnor or the owners.

B. Commissioners' Hearing And Assessment Of Damages

The commissioners must hold a hearing to receive evidence relating to compensation. Notice of the hearing must be given to the parties. Once a date is set, the chairman should contact the attorney of record for the condemnor, so that said attorney can send notice of the hearing to all other interested parties.

C. Commissioners' Report

Within 20 days from their appointment, the commissioners must make a written report to the Probate Court stating the amount of damages and compensation ascertained. Within 7 days of receipt of the commissioners' report, the Probate Court must issue an order recording the report and condemning the property upon payment or deposit into Probate Court the damages and compensation assessed.

D. Payment of Damages and Compensation

The condemnor may pay the damages and compensation assessed at any time within 90 days after the assessment thereof, or, in case an appeal is taken, within 60 days after the appeal is determined. If the condemnor fails to pay on a timely basis, such assessment shall cease to be binding on the owner of the lands or other interested parties and the complaint shall be dismissed, with the condemnor being liable to the owner of the lands for all damages the latter may have sustained by the institution of the proceedings, including a reasonable attorney's fee for defending the same.

E. Appeal To Circuit Court

Within 30 days of the order of condemnation, any party may appeal the order to the Circuit Court for a new trial.

F. Amount of Damages

1. "Fair Market Value"

The term "fair market value" has been defined "as the price the property

would bring when offered for sale by a willing seller who is not forced to sell and which is sought by a willing buyer who is not required to buy."

2. Before And After Value

In a partial taking, the owner is entitled to the difference between the fair market value of the entire property before the taking and the fair market value of the remainder after the taking.

3. Incidental Benefits

The amount of compensation a landowner may be entitled to receive may not be reduced because of any incidental benefits which may accrue to the remaining land. However, in condemnation of lands for rights-of-way for public highways, water or sewer lines, the value of the enhancement to the remaining lands of the landowner may be considered in fixing the amount of compensation to be awarded the owner.

4. Highest And Best Use

The owner is entitled to consideration for condemnation on the basis of the highest and best use to which the property could be put, even though not presently being so used.

5. Taking

An owner is not required to surrender possession of property before the condemnor: (a) pays the agreed purchase price; or (b) pays or deposits the amount awarded by the condemnation order together with interest thereon as prescribed in the order.

IV PROCEDURE UTILIZED BY COMMISSIONERS IN DISCHARGE OF THEIR DUTIES

A. Appointment

The Probate Court appoints the commissioners. The appointment is made on a rotational basis from a list prepared by the Judge of Probate.

B. Chairman of Commission

The Probate Court will appoint one of the commissioners to serve as chairman of the commission. The Chairman is responsible for making the arrangements with the other commissioners and advising the condemnor (or its attorney of record), concerning the date, time and location for the viewing of the property and the time and date of the commissioners' hearing.

C. Viewing Of Property

The commissioners will physically go to the property in question and view it prior to their hearing.

D. Commissioners' Hearing

The commissioners will conduct an informal hearing in a conference room at the Probate Court. All interested parties should be afforded an opportunity to make their presentation to the commissioners in the presence of the other interested parties.

E. Format Of Commissioners' Meeting

1. Chairman of Commission calls the meeting to order and introduces the other commissioners to all interested parties.
2. The lawyer for the condemnor presents expert testimony as to the property to be taken, the estimated value of the property and whether any uneconomic remnant exists. At this time the condemnor's damage award offer is disclosed. The commissioners and the interested parties may ask questions of the testifying witnesses.
3. The owner or the lawyer of the owner presents testimony as to the property to be taken, the estimated value of the property and whether an uneconomic remnant exists. The owner or his lawyer can comment about the condemnor's damage award offer.
4. After all evidence and testimony is obtained, all parties exit and the commissioners meet in private to determine the award to be given to the owner.

5. The condemnor (or its attorney of record) prepares and furnishes a written report for the commissioners to use in reporting to the Probate Court their findings and decision as to the award.
6. The commissioners present their report to either the Judge of Probate or the Chief Clerk and are "sworn out." The oath utilized is: "In the matter of [style of case], each of you have been previously sworn as commissioners; you now render unto the Court your report of money damages due to the defendants (or parties) which is based upon the evidence and testimony presented to you; that such damages are (state each parcel or tract by name or number and the amount entered in the report); so say each of you? (each commissioner should respond affirmatively)."
7. At the time the report is submitted to the Judge of Probate or Chief Clerk, the commissioners will advise as to how much time they have expended with regard to that particular matter. If the commissioners have any extraordinary expenses (such as attorney's fees), they should present written documentation to support the same to the Judge of Probate or Chief Clerk. The commissioners' fee is paid by the condemnor as a part of court costs.

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GUARDIANSHIPS

WHAT IS A GUARDIAN:

A guardian is the parent of a minor or someone who has been appointed by the Probate Court to be responsible for the personal care of an individual.

WHAT IS A WARD?

Legal name for a person for whom a guardian has been appointed.

WHO CAN BE A GUARDIAN FOR AN ADULT?

Any qualified person may be appointed. However, the law establishes the following priorities:

1. Person named in a durable power of attorney
2. Spouse or spouse's nominee
3. Adult child
4. Parent or parent's nominee
5. Relative with whom person has lived the prior 6 months
6. Nominee of caretaker of person

WHO CAN BE GUARDIAN FOR A CHILD?

The Probate Court may appoint any person who will act in the best interest of the minor. However, if the minor is 14 years old or older, the minor's nominee must be appointed unless the appointment is contrary to the minor's best interest. Also, a parental nomination has priority.

CAN A PARENT APPOINT A GUARDIAN?

Yes, in a will a parent may appoint a guardian for a minor child or for an unmarried incapacitated child.

CAN A SPOUSE APPOINT A GUARDIAN?

Yes, in a will a person may appoint a guardian for his or her incapacitated spouse.

WHAT ARE THE POWERS OF A GUARDIAN?

1. Must assume responsibilities of a parent regarding support, care and education
2. Must become personally acquainted with ward
3. Must take reasonable care of ward's personal effects
4. Must apply available money for current needs or health, support, education and maintenance
5. Must conserve excess money
6. Must report the condition of the ward to the Probate Court

7. May receive limited funds for support of ward
8. May take custody of ward and establish a home
9. May compel payment of support
10. May consent to medical care
11. May consent to marriage or adoption
12. May delegate certain responsibilities to the ward for the decision making

(Probate Court may limit powers of guardianship)

WHEN DOES A GUARDIANSHIP END?

1. Upon death
2. Upon resignation of the guardian
3. Upon adoption of the minor
4. Upon marriage of the minor
5. Upon minor becoming an adult
6. When ward's incapacity is terminated

(Probate Court may limit powers of guardianship)

AM I REQUIRED TO HAVE A LAWYER?

The legal complexity of guardianships and conservatorships normally necessitates having an attorney since the Judge of Probate cannot advise you of the law or provide you with forms.

WHAT IS THE DIFFERENCE BETWEEN A GUARDIAN AND A CONSERVATOR?

The guardian is a person who looks after the child or incapacitated person and their welfare while a conservator is responsible for safeguarding the assets of a child or incapacitated person.

WHAT ARE THE STEPS FOLLOWED IN APPOINTING A GUARDIAN OR CONSERVATOR FOR AN ADULT?

1. Petition filed
2. Appointment of a guardian ad litem
3. Examination by physician
4. Appointment of Probate Court's representative
5. Hearing
6. Jury at hearing if demanded
7. Bond for conservator
8. Order granting petition
9. Inventory of property for conservator
10. Letters of guardianship and/or conservatorship

IS A BOND REQUIRED?

No.

IS AN INVENTORY REQUIRED?

No.

ARE ACCOUNTINGS REQUIRED?

No.

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CONSERVATORSHIPS

WHAT IS A CONSERVATOR?

A conservator is a person who is appointed by the Probate Court to manage and protect the property of a minor or incapacitated person.

WHO IS AN INCAPACITATED PERSON?

A person who is unable to manage property and business affairs because of

1. Mental illness
2. Mental deficiency
3. Physical illness
4. Infirmities accompanying advanced age
5. Chronic use of drugs
6. Chronic intoxication
7. Confinement
8. Detention by foreign power
9. Disappearance

WHO CAN SERVE AS A CONSERVATOR?

A family member or any interested person, with the priorities as follows:

1. Conservator appointed in another jurisdiction
2. Person selected by incapacitated person
3. Person designated by incapacitated person's power of attorney
4. Spouse
5. Adult child
6. Parent
7. Relative with whom ward has lived for the last six months
8. Nominee of person caring for incapacitated person
9. General Conservator or Sheriff

WHEN CAN A CONSERVATOR BE APPOINTED?

A conservator may be appointed when an incapacitated person

1. Is unable to manage property and business affairs; and
2. (a) Has property that will be wasted without proper management; or (b) where funds are needed to support the incapacitated person or one entitled to support from the incapacitated person

WHAT ARE THE POWERS AND DUTIES OF A CONSERVATOR?

1. Without court authorization the conservator may
 - a. invest and reinvest funds
 - b. retain assets
 - c. receive additions
 - d. acquire undivided interest in property
 - e. deposit funds in financial institutions
 - f. acquire property
 - g. dispose of personal property
 - h. make repairs to building
 - i. enter leases up to 5 years
 - j. enter mineral leases
 - k. grant options up to one year
 - l. vote securities
 - m. pay assessments
 - n. sell or exercise stock options
 - o. deposit stocks and bonds
 - p. consent to reorganization, merger or a business
 - q. insure assets
 - r. borrow to protect estate
 - s. settle claims
 - t. pay reasonable annual compensation to conservator
 - u. pay taxes and expenses
 - v. allocate expenses to income
 - w. pay sum for benefit of protected person or his family
 - x. employ attorneys, accountants
 - y. prosecute or defend legal claims
 - z. execute and deliver appropriate instruments
 - aa. hold securities (court may limit powers of conservator)
2. With prior court authorization the conservator may
 - a. continue or participate in operating business
 - b. demolish improvements
 - c. dispose of real estate
 - d. subdivide, dedicate land
 - e. enter leases greater than 5 years
 - f. grant an option for more than one year
 - g. take an option to acquire property

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WHAT ARE THE STEPS FOLLOWED IN APPOINTING A GUARDIAN OR CONSERVATOR FOR AN ADULT?

1. Petition filed
2. Appointment of a guardian ad litem
3. Examination by physician
4. Appointment of court's representative
5. Hearing
6. Jury at hearing if demanded
7. Bond for conservator
8. Order granting petition
9. Inventory of property for conservator
10. Letters of guardianship and/or conservatorship

IS A BOND REQUIRED?

Yes, a bond is required for conservators unless the bond requirement was waived in a will or power of attorney.

IS AN INVENTORY REQUIRED?

Each conservator must complete an inventory of the estate immediately and file it with the Probate Court within 45 days after appointment.

ARE ACCOUNTINGS REQUIRED?

Yes, a conservator must give an accounting to the Probate Court at least every three years. The Probate Court may order an accounting more frequently. An accounting is also required upon resignation or removal of the conservator.

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WILLS AND ESTATES

WHAT IS A WILL?

Will is a document which provides the manner in which a person's property will be distributed when he dies. A person who dies after writing a will is said to have died testate. If someone dies without writing a will, they have died intestate.

WHO MAY MAKE A WILL?

In Alabama, the maker of a Will must be at Least 18 years old of sound mind; and free from improper influences by other people.

HOW DO I MAKE A WILL?

A Will must meet certain requirements set by the state to be considered valid. In Alabama, the following requirements must be met:

- 1.The Will must be written.
- 2.The Will must be signed by the maker.
- 3.The Will must be witnessed by two people in the manner required by law.

MAY I DISPOSE OF MY PROPERTY IN ANY WAY I DESIRE BY MAKING A WILL?

Almost, but not quite. There are some limitations set by law to avoid placing hardships on the people who survive the deceased. For example, a married person cannot completely exclude the other spouse from sharing in the estate. A lawyer can best explain all of the limitations.

HOW DO I KNOW IF I NEED TO WRITE A WILL?

Any amount of property which you own constitutes your estate. Generally, the size of your estate and your family circumstances determine whether you need a Will. An estate does not have to be any particular size to justify a Will. If you have young children, or property which you would like to assure will be given to certain people, then you should consider writing a Will.

WHEN DO I NEED TO WRITE A WILL?

A Will should be written while the maker is in good health and free from any emotional distress. A prudent person does not wait for a catastrophe or other compelling reason to make a decision.

WHO MAY DRAFT A WILL?

There is no requirement that a person consult a lawyer before drafting their own Will. However, the proper drafting of a Will can be a delicate operation, and it is best to consult someone who has experience. A lawyer can make sure that your Will is legal, and that your property will be

given to the people that you intended. A lawyer can also help construct a Will so that your family saves money in administering the estate, and reduce their taxes.

IS A WILL EXPENSIVE?

A lawyer will usually charge for a Will according to the time spent in preparing the Will. If you have a small estate and a simple plan for distributing your property, then your Will should cost less than one for a large, complex estate with several people receiving property.

MAY A WILL BE CHANGED ONCE IT IS WRITTEN?

A person may change his Will as often as he desires. However, the changes must meet the same requirements listed above for the original Will. No change should be made without first consulting the person who drafted the Will.

HOW LONG IS MY WILL "GOOD"?

A properly written and executed Will is "good" until it is changed or revoked. Writing a second Will usually revokes the first Will. However, if there is a change in your estate or your family makeup, you may consider changing your existing Will or writing a new Will. For example, if you sell your house you may need to change your Will to reflect the change in your estate.

WHAT SHOULD I DO WITH MY WILL ONCE IT IS WRITTEN?

Once you have written your Will, you should keep it in a safe place, such as a safety deposit box at the bank. You should also let your family know where the Will is so they can find it when you die.

WHAT DOES PROBATE OF A WILL MEAN?

Probate of a Will is the administration of an estate to insure that all of the property is disposed of properly. It is the Probate Judge's responsibility to make sure that all of the laws in Alabama regarding the distribution of estates are followed.

WHO SHOULD PROBATE A WILL?

Upon the person's death, anyone named in the Will either as personal representative or as a recipient of property, or any other person with a financial interest in the estate, or the person who has possession of the Will may have the Will proved before the proper probate court. Any person in possession of the Will must, by Alabama law, deliver the Will to the Probate Court or to a person who is able to have the Will probated. A person in possession of the Will can be required to produce it.

WHERE SHOULD A WILL BE PROBATED?

Generally, Wills must be filed for probate in the county where the deceased lived.

WHEN MUST A WILL BE FILED FOR PROBATE?

To be effective, a Will must be filed for probate within five years to the date of the testator's death.

DO I HAVE TO HAVE A LAWYER?

The complexity of handling estates normally necessitate having an attorney since the Probate Judge cannot advise you of the law or provide you with forms.

DO I NEED TO PROBATE THE WILL?

Yes, the Will must be probated to have legal effect. Before deciding not to probate a Will one should consult an attorney.

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ADMINISTRATION OF AN INTESTATE ESTATE

WHAT HAPPENS TO MY PROPERTY IF I DO NOT WRITE A WILL?

If someone dies without writing a will, they have died "intestate." Each state has specific laws governing the distribution of property when a person dies intestate, and most laws are generally the same. The laws of Alabama are discussed below, but you should remember that these laws may not apply if the deceased was not a resident of Alabama, or if the property is located in another state. In this list, "issue" means all of the people who have descended from the decedent. This includes children (both natural and adopted), grandchildren (both natural and adopted), great grandchildren, and so on.

PROPERTY GOING TO THE SURVIVING SPOUSE:

- a. entire estate if no surviving issue or parents of decedent;
- b. first \$100,000, plus 1/2 of balance of estate if there is no surviving issue but there is surviving parent(s)
- c. first \$50,000, plus 1/2 of balance of estate if there are surviving issue all of whom are also issue of surviving spouse; or
- d. 1/2 of estate if there are surviving issue who are not issue of the surviving spouse

PROPERTY NOT GOING TO SURVIVING SPOUSE:

If there is no surviving spouse, or there is property left after the spouse receives his or her share, it passes under the following priority: All of the property passes to the issue, unless there are none. If none, all passes to the parents. If neither parent is living, the estate passes to siblings, and so on under this priority:

- a. issue
- b. parents
- c. brothers and sisters
- d. grandparents
- e. aunts and uncles
- f. cousins

STEPS IN PROBATE OF AN ESTATE:

1. Petition filed
2. Take immediate control of the estate
3. Inventory of the estate within 45 days
4. Bond, equal to the aggregate capital value of the personal property of the estate, plus one year's estimated income from the estate
5. Notice (as may be required)
6. Letters of Administration granted

7. Notice to file claims must be published once a week for 3 weeks and individual notice given to anyone known to have a claim against the deceased
8. Claims must be filed generally within 6 months
9. Generally the estate cannot be divided until all claims and expenses have been paid which is at least six months
10. Probate Court must approve personal representative's fees (unless all interested persons agree and consent)

WHAT ARE THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE?

1. Without court authorization the personal representative may:
 - a. retain assets
 - b. receive assets
 - c. perform deceased contracts
 - d. satisfy written charitable pledges
 - e. deposit funds in financial institutions
 - f. abandon valueless personal property
 - g. allocate expenses to income
 - h. pay assessments
 - i. hold securities
 - j. insure assets
 - k. borrow to protect estate
 - l. settle with debtors
 - m. settle claims
 - n. pay taxes and expenses
 - o. sell or exercise stock options
 - p. enter leases up to one year
 - q. vote stocks
 - r. employ and pay attorneys, auditors (subject to review the Probate Court unless all interested persons agree and consent)
 - s. prosecute or defend claims
 - t. continue unincorporated business
 - u. incorporate the business
 - v. limit liability

(Probate Court may limit powers of personal representative)

2. With prior court authorization the personal representative may:
 - a. abandon an estate asset
 - b. make repairs or demolish improvements
 - c. subdivide, dedicate land
 - d. leases greater than one year
 - e. enter mineral leases
 - f. sell real estate

**CAN AN INTERESTED PERSON OBJECT TO COMPENSATION PAID TO THE
PERSONAL REPRESENTATIVE, ATTORNEYS, ACCOUNTANTS AND OTHER
PROFESSIONALS?**

Yes, by filing an objection with the Probate Court, which will prompt a hearing to be held to determine the appropriateness of the fees and / or commissions requested and the reasonable amount of compensation to be paid.

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GENERAL INFORMATION
ABOUT THE ALABAMA SMALL ESTATES ACT
AND SUMMARY DISTRIBUTIONS

WHAT IS THE “ALABAMA SMALL ESTATES ACT”?

- This Act was passed in 1979 and later amended in 2009. It is codified as Ala. Code §§ 43-2-690, et seq. (1975).
- This Act provides a method, through a court proceeding, to distribute personal property of a deceased person in a summary distribution manner to a surviving spouse, or appropriate distributees of the decedent, without full probate administration.

WHAT ARE THE VALUE LIMITS FOR SUMMARY DISTRIBUTION UNDER THIS ACT?

- The value of the entire decedent’s estate (personal property) shall not exceed \$ 25,000. This figure is subject to adjustment by the State Finance Director on an annual basis for changes in the Consumer Price Index. Please note that real property cannot be administered under this Act. (This adjusted figure equals \$27,583.00 for 2014)

WHAT IS REQUIRED TO INITIATE A SUMMARY DISTRIBUTION UNDER THE “ALABAMA SMALL ESTATES ACT” IN MARION COUNTY?

- A written petition under oath in proper form to be filed with the Probate Court by the surviving spouse of the decedent, or if none, by one or more of the distributees entitled to the personal assets of the estate.
- Proof of death of the subject party (decedent).
- Decedent must have been a resident of Marion County (confirm).
- Confirm that no petition is pending for administration or has been granted.
- The status at the date of death: Intestate (No Will) or Testate (Will).
- If testate, the original purported Will must be submitted to the Court.
- The names/addresses/ages of the surviving spouse, children and distributees.
- Details on claims and funeral expenses and the status on each (paid/unpaid).
- An itemized listing of the assets of the estate with a value of each asset.

Each item noted must be addressed in the petition by proper statement(s), with details and explanations.

ADDITIONAL MATTERS/COMMENTS:

- A heirship chart may be necessary, if requested by the Court.
- Publication costs will be incurred, to be paid directly by the petitioner. The Court will provide information on publication once the petition is filed and accepted.
- Upon compliance with all provisions of the “Alabama Small Estates Act”, an order and decree will be issued directing certain actions with regard to the decedent’s assets, including orders for distribution of said assets. Should it be determined by the Court that

other proceedings are necessary before a final order can be entered, the attorney and petitioner will be advised.

Note: By Law, the Probate Court and its staff are not permitted to give legal advice or provide any forms. If you are seeking action under the "Alabama Small Estates Act" and the summary distribution procedures, it is suggested that you obtain the assistance of an attorney to prepare and file the necessary paperwork with the Probate Court and provide representation generally for this proceeding.

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NOTICE FROM PROBATE COURT

Paige Nichols Vick, Judge of Probate

May 10, 2019

Re: Small Estates/Summary Distribution Valuation Up-Date

Pursuant to Ala. Code §43-2-692(b)(1), the State Finance Director has now issued notice to the judges of probate revising the established limits for the administration of small estates in response to adjustments in the Consumer Price Index. The figures provided to the Probate Court are as follows:

For 2010 \$25,410
For 2011 \$25,791
For 2012 \$26,616
For 2013 \$27,175
For 2014 \$27,583
For 2015 \$28,024
For 2016 \$28,052
For 2017 \$28,417
For 2018 \$29,014
For 2019 \$29,710

In utilizing this information, the State Finance Director has stated:

"Because the CPI-U for a calendar year is not published until January of the succeeding year, the adjustment provided will reflect the change for the previous calendar year, but will be effective for twelve months beginning the following March 1. For example, the value of \$25,791 established for 2011 will be used for the period March 1, 2011 through February 29th, 2012."

NOTARY PUBLICS

DEFINITIONS OF A NOTARY PUBLIC:

A Notary Public is a public officer whose function it is

1. To administer oaths; and
2. To attend and certify, by his signature and official seal, certain classes of documents, in order to give them credit and authenticity; and
3. To take acknowledgments of deeds and other conveyances and certify the same; and
4. To perform certain official acts, chiefly in commercial matters, such as the protesting of notes and bills, the notice of foreign drafts, and marine protests in cases of damage.

REQUIREMENTS TO BE APPOINTED A NOTARY PUBLIC IN MARION COUNTY

1. Must be a resident of Marion County; and
2. Must be capable of posting bond in the required amount.

TYPES OF NOTARIES

Effective January 1, 2012, all new notaries appointed in Alabama are State-at-Large. If you are currently appointed as a County notary, you are not now considered State-at-Large, but will be appointed as such when you re-apply.

STEPS TO BE APPOINTED A NOTARY

1. Complete notary public application;
2. Submit application to Judge of Probate;
3. Probate Judge will send applicant an appointment letter;
4. Applicant must take appointment letter to an insurance company to obtain a notary public bond in the sum of \$25,000.00;

PLEASE REMEMBER!!!!!!

The office of Notary Public is a serious and responsible public office and should not be taken lightly. Abuse of the office or irresponsibility in the performance of notarial duties can result in grave consequences. If a Notary Public has doubts about the propriety of any action, he or she should seek competent professional advice before he or she acts.

MARRIAGES

Marriage License - F.A.Q.

- **What are your hours of operation?**
 - Monday – Friday from 8:00 a.m. to 4:30 p.m. You should arrive no later than 4:00 to begin the 10-15 minutes application process.
- **Where is Probate Court located?**
 - The Marriage License office is located on the first floor of the Marion County Courthouse in Hamilton, AL
- **How much does the marriage license cost?**
 - \$73.00 – this can be paid with cash, check, money order or credit card
- **What form of identification is required to obtain a marriage license?**
 - If you are 18 years or older, acceptable forms of identification include, but are not limited to: any valid/current government (state or federal) issued photo I.D., i.e. driver's license I.D., military I.D., certified copy of state issued birth certificate, other state issued non-driver's license I.D., passport or other government issued I.D.
- **Is a Social Security number required to receive a marriage license?**
 - NO. If an applicant does not have a social security number, the applicant may submit an affidavit attesting to the fact that they have never been issued a social security number. Alternatively, an applicant may also submit a current letter from the Social Security Administration documenting that he or she was never issued a social security number. Those applicants who do have a social security number should be prepared to provide that information on the application.
- **Do both marriage license applicants have to be present to obtain a license?**
 - YES. Both parties must be present in Probate Court for the marriage license to be issued.
- **Can a marriage license be issued to an applicant who is not a United States Citizen?**
 - YES. A valid and current I.D., such as a passport, will still be required. Additionally, an affidavit attesting that the applicant does not have a social security number will be required.
- **Can we get married at Probate Court?**
 - NO. Probate Court does not perform any marriage ceremonies.

- **Can Probate Court recommend someone to perform the wedding ceremony?**
 - NO. Probate employees cannot offer any recommendation regarding any particular person who may be able to perform the wedding ceremony. Following is the relevant Alabama Code Section regarding who can legally perform a wedding ceremony:

Section 30-1-7

Persons authorized to solemnize marriages.

(a) Generally. Marriages may be solemnized by any licensed minister of the gospel in regular communion with the Christian church or society of which the minister is a member, by a judge of the Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, any circuit court or any district court within this state, by a judge of any federal court, or by a judge of probate within his or her county, or any retired judge of the Supreme Court, retired judge of the Court of Criminal Appeals, retired judge of the Court of Civil Appeals, retired judge of the circuit court, retired judge of the district court within this state or a retired judge of probate within his or her county.

(b) Pastor of religious society; clerk of society to maintain register of marriages; register, etc., deemed presumptive evidence of fact. Marriage may also be solemnized by the pastor of any religious society according to the rules ordained or custom established by such society. The clerk or keeper of the minutes of each society shall keep a register and enter therein a particular account of all marriages solemnized by the society, which register, or a sworn copy thereof, is presumptive evidence of the fact.

(c) Quakers, Mennonites or other religious societies. The people called Mennonites, Quakers, or any other Christian society having similar rules or regulations, may solemnize marriage according to their forms by consent of the parties, published and declared before the congregation assembled for public worship.

(Code 1852, §1946-1948; Code 1867, §2335-2337; Code 1876, §2674-2676; Code 1886, §2311-2313; Code 1896, §2841-2843; Code 1907, §4881-4883; Code 1923, §8995-8997; Code 1940, T. 34, §6-8; Acts 1988, No. 88-551, p. 867; Act 2003-303, p. 721, §1; Act 2004-485, p. 903, § 1.)

- **Does my marriage license expire?**
 - YES. The marriage license is only good for 30 days after issuance.
- **Do I have to get married in Alabama?**
 - YES. The marriage license you receive is only valid in Alabama.
- **What is the legal age to marry in Alabama?**
 - Only persons 18 years and older can legally marry in Alabama **without** parental consent.
- **Can I get married if I am under 18 years old?**
 - Alabama Code § 30-1-4: Persons under the age of 16 years is incapable of contracting marriage.

- Alabama Code §30-1-5: If the person intending to marry is at least 16 years of age and under 18 years of age and has not had a former wife or husband, the judge of probate shall require the consent of the parents or guardians of the minor to the marriage, to be given either personally or in legally executed writing.
 - The consent of both parties shown on the applicant's birth certificate is required regardless of the circumstances, unless one's parental rights have been terminated or is deceased. Valid, legal proof of the same will be required.
 - Sole custody granted to one parent alone does not remove the requirement for the consent of the other parent.
 - The minor seeking a marriage license must also submit a state certified copy of their birth certificate. A hospital certificate of birth is not acceptable.
- **Can I obtain a marriage license if I am recently divorced?**
 - If you have been divorced please be prepared to tell us the date and the court in which you obtained the divorce. In Alabama you may not apply for a license within 60 days after your divorce was granted (the date of the written decree), unless you are marrying your former spouse. Laws vary from state-to-state and the applicant is responsible for understanding the laws regarding remarriage in the state in which they were last married/divorced, i.e. if you were last married and divorced in Florida the remarriage laws from Florida are applicable. You will need to bring a copy of your divorce decree with you.
- **What evidence of proof of marriage will I receive back from Probate Court?**
 - Approximately two weeks after your completed, executed marriage license is returned to Probate Court you will receive a Probate Court Marriage Certificate with a seal and a copy of your marriage license.
- **What if there is a mistake on my marriage license?**
 - It is extremely important that you closely examine your license for any errors at the time of issuance. You will be asked multiple times to check the license for accuracy. After the license is returned to Probate Court, processed and forwarded to Vital Records in Montgomery mistakes/errors are more difficult to correct. If a mistake is discovered after you receive your copies from Probate Court it will require official Court action along with an official Court order to correct the license. There are NO exceptions to this procedure.
- **What if my license expires before my marriage ceremony occurs?**
 - You must apply for and purchase a new license at the original issuance fee of \$73.00. There are NO exceptions to this rule.

Boat Registration

Class I - Less than 16 ft. \$ 20.00 fee

Class II - 16 ft. less than 26 ft \$ 25.00 fee

Class III - 26 ft. less than 40 ft \$ 75.00 fee

Class IV - 40 ft. and above \$100.00 fee

Duplicate Registration is \$5.00.

A transfer fee of \$5.00

Boats are not titled in Alabama . To register a boat you need a bill of sale. The information needed to register the boat is as follows:

- AL Number if Previously Registered in Alabama (last boat registration)
- Decal Number if Registration is Current
- Name and Address
- Date of Birth
- Social Security Number
- Unexpired Driver's License(copy will be accepted)
- Current and Valid Phone Number
- Make of Boat
- Length of Boat
- Hull Number of Boat
- Make of Motor
- Horsepower of Motor
- Serial Number of Motor

Should you purchase a boat that is currently registered in Alabama with a current decal, then that decal would be transferred into the new owner's name. There are no penalties on boat registrations or renewals. Boat registrations are not prorated. For example, if you register a boat in May and your normal renewal month is August you would pay the same fee in May and August.

Last Initial

Renewal Month

A,D

B

C,E

F,G, N

H,O

M,I

P, L

J,K,R

Q,S,T

U,V,W, X, Y,Z and all Business Licenses

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

UCC Statements

ALL UCC'S MUST HAVE ORIGINAL AND TWO COPIES. NON STANDARD FORM FEE IS \$5.00

UCC FINANCING STATEMENT:

MORTGAGE TAX (\$0.15 PER \$100.00) PLUS \$20.00 WITH 1 NAME \$1.00 ADDITIONAL EACH NAME AFTER 1.

YOU ARE ALLOWED 2 ATTACHMENTS, AFTER 2 THE CHARGE IS \$2.00 PER PAGE.

CONTINUATIONS:

\$20.00 WITH 1 NAME \$1.00 EACH FOR ADDITIONAL NAMES.

MUST HAVE OLD NUMBER AND DATE OF ORIGINAL FILING. FILED EVERY 5 YEARS.

CAN BE FILED UP TO 6 MONTHS PRIOR TO 5 YEAR EXPIRATION DATE. IF 5 YEARS HAS EXPIRED, MORTGAGE TAX IS COLLECTED ON THE REMAINING BALANCE.

TERMINATIONS:

NO FEE UNLESS ON NON STANDARD FORM.

FEE FOR NON STANDARD IS \$5.00.

AMENDMENTS:

\$20.00 WITH 1 NAME \$1.00 EACH ADDITIONAL.

\$2.00 FOR EACH ADDITIONAL PAGE

MUST HAVE OLD NUMBER AND ORIGINAL FILING DATE.

IF AMOUNT FINANCED HAS INCREASED WE COLLECT MORTGAGE TAX ON THE INCREASED AMOUNT.

ASSIGNMENTS:

\$20.00 WITH 1 NAME \$1.00 EACH ADDITIONAL.

\$2.00 FOR EACH ADDITIONAL PAGE

MUST HAVE OLD NUMBER AND ORIGINAL FILING DATE.

Corporations

For all corporation papers we **REQUIRE** the original and two copies.

Type	Notary Fee	Search and Sign
Corporations	\$50.00	\$100.00
Amendments	\$25.00	\$50.00
Dissolutions	\$50.00	\$100.00
Limited Liability Company (LLC)	\$50.00	\$100.00

CORPORATE DIVISION TELEPHONE NUMBERS IN MONTGOMERY

RESERVE NAME:1-334-242-5324

1-334-242-7200

1-334-242-5974

Fees

Item	Price
1 st Page All Documents	\$3.00
-- Each Additional Page	\$3.00
Certified Copies	\$4.00
Computer copies	\$1.00
Book copies	\$1.00
DD214	None
Marriage copy	\$1.00
Certified Copy Marriage	\$4.00
Item	Price
Easements	\$1.00
-- 1 st Page	\$3.00
-- Each Additional Page	\$3.00
1 st Page All Deeds	\$3.00
-- Each Additional Page	\$3.00
Deed Tax	\$1.00 per \$1000
(Round up to the next \$500)	\$1.50
Extra Names Indexed / Books & Pages	\$1.00 Each
(Over two grantors and two grantees)	
1 st Page All Mortgages	\$3.00
-- Each Additional Page	\$3.00
Mortgage Tax	\$1.50 cents per \$100
(Round up to the next \$500)	\$1.50 per \$1000
Extra Names Indexed	\$1.00
(Over two mortgagees or mortgagors)	

Releases are filed with a fee of \$3.00 for the first page; Affidavits, Power of Attorneys, and Judgments are all filed with a fee of \$3.00 for the first page; and there is a fee of \$3.00 for each additional page. Please provide a self-addressed & stamped envelope.