

Quiet title actions are authorized by statute, Alabama Code §§6-6-540 through 6-6-573. There are two types. The first kind is called the “in personam¹³³” action. The other is called the “in rem¹³⁴” action.

In personam action

“In personam” means “against the person.” It is a lawsuit against a particular person, or particular people. The complaint must describe the land with certainty, such as by legal description. It must allege the possession and ownership of the plaintiff, and that the defendant claims or is reputed to claim, some right, title, interest or encumbrance regarding the land. The complaint must call upon the defendant to appear and defend his or her claims.¹³⁵

The parties are entitled to a jury, if they wish.¹³⁶ After the judgment becomes final, it is recorded in the real estate records.¹³⁷

In rem action

“In rem” means “against the thing.” In this case, the lawsuit is against the land itself. The lawsuit can be brought by someone who is in actual peaceable possession of land OR by someone who has held “color of title” for ten or more years. “Color of title” means you have a deed, or a will, or something indicating you have title, even if that title has defects. The lawsuit is started by a verified complaint against the land, and against all persons claiming or reputed to claim an interest.¹³⁸ There are very specific requirements regarding the contents of the complaint.¹³⁹

Almost always, some of the defendants will be unknown. That is the essence of an “in rem” action—to quiet title even against unknown claimants. When there are unknown potential claimants, the court

¹³³ Ala. Code §6-6-540

¹³⁴ Ala. Code §6-6-560

¹³⁵ Ala. Code §6-6-541

¹³⁶ Ala. Code §6-6-543

¹³⁷ Ala. Code §6-6-544

¹³⁸ Ala. Code §6-6-560

¹³⁹ Ala. Code §6-6-561, reprinted in Appendix A.