

IN THE SUPREME COURT OF ALABAMA  
May 29, 2009

ORDER

IT IS ORDERED that Rule 52(dc), Rule 55(dc), Rule 58(b), and Rule 59(dc), Alabama Rules of Civil Procedure, be amended to read in accordance with Appendices A, C, E, and F, respectively;

IT IS FURTHER ORDERED that the Committee Comments to the July 1, 2009, Amendment to Rule 52(dc), the Committee Comments to the July 1, 2009, Amendment to Rule 55(dc), and the Committee Comments to the July 1, 2009, Amendment to Rule 59(dc) be adopted to read in accordance with Appendices B, D, and G, respectively;

IT IS FURTHER ORDERED that the amendment of these rules and the adoption of the comments are effective July 1, 2009;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 52, Rule 55, Rule 58, and Rule 59:

"Note from the reporter of decisions: The order amending, effective July 1, 2009, Rule 52(dc), Rule 55(dc), Rule 58(b), and Rule 59(dc), and adopting effective July 1, 2009, the Committee Comments to the July 1, 2009, Amendment to Rule 52(dc), the Committee Comments to the July 1, 2009, Amendment to Rule 55(dc), and the Committee Comments to the July 1, 2009, Amendment to Rule 59(dc) is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 3d."

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

APPENDIX A

Rule 52(dc), Alabama Rules of Civil Procedure.

(dc) District Court Rule. Rule 52 applies in the district courts except that the time period of thirty (30) days in Rule 52(b) is reduced to fourteen (14) days in all cases except unlawful-detainer actions subject to appeal under § 6-6-350, Ala. Code 1975, in which actions the time period is reduced to seven (7) days.

APPENDIX B

Committee Comments to the July 1, 2009,  
Amendment to Rule 52(dc)

All judgments entered by a district court in unlawful-detainer actions, residential and commercial, are subject to the 2006 amendment to § 6-6-350, Ala. Code 1975, which reduced the appeal time from 14 to 7 days for appeals of such judgments to the circuit court. Rule 52(dc) has been amended to require postjudgment motions in unlawful-detainer actions under this rule to be filed within the seven-day appeal period. If filed within that period such motions will be subject to the provisions of Rule 59.1(dc) regarding the disposition of posttrial motions.

APPENDIX C

Rule 55(dc), Alabama Rules of Civil Procedure.

(dc) District Court Rule. Rule 55 applies in the district courts, except that (1) the reference to a jury in Rule 55(b)(2) is deleted; (2) the time period of thirty (30) days in Rule 55(c) is reduced to fourteen (14) days in all cases except for unlawful-detainer actions subject to appeal under § 6-6-350, Ala. Code 1975, in which actions the thirty-(30-) day time period is reduced to seven (7) days; (3) the provisions dealing with an action for divorce or annulment of marriage at Rule 55(e) are deleted; and (4) a party shall not be deemed in default if the party has served an appearance in the form of a motion to dismiss.

APPENDIX D

Committee Comments to the July 1, 2009,  
Amendment to Rule 55(dc)

All judgments entered by a district court in unlawful-detainer actions, residential and commercial, are subject to the 2006 amendment to § 6-6-350, Ala. Code 1975, which reduced the appeal time from 14 to 7 days for appeals of such judgments to the circuit court. Rule 55(dc) has been amended to require postjudgment motions filed in unlawful-detainer actions by a party under this rule to be filed within the seven-day appeal period. If filed within that period such motions will be subject to the provisions of Rule 59.1(dc) regarding the disposition of posttrial motions. In view of the seven-day period for taking an appeal, the amendment also reduces to seven days the time within which the court may, on its own motion, set aside a default judgment in an unlawful-detainer action.

APPENDIX E

Rule 58(b), Alabama Rules of Civil Procedure.

(b) Sufficiency of Order or Judgment. An order or a judgment need not be phrased in formal language nor bear particular words of adjudication. A written order or a judgment will be sufficient if it is signed or initialed by the judge, or by the clerk in the case of a judgment entered pursuant to Rule 55(b)(1), Rule 71B(f), or Rule 71C(f), and indicates an intention to adjudicate, considering the whole record, and if it indicates the substance of the adjudication.

APPENDIX F

Rule 59(dc), Alabama Rules of Civil Procedure.

(dc) District Court Rule. Rule 59 applies in the district courts except that (1) Rule 59(a)(1) dealing with new trials in jury actions is deleted; (2) all time periods of thirty (30) days are reduced to fourteen (14) days except in unlawful-detainer actions subject to appeal under § 6-6-350, Ala. Code 1975, in which actions the time periods are reduced to seven (7) days; and (3) the provision for time in which to serve counter-affidavits of Rule 59(c) is deleted.

APPENDIX G

Committee Comments to the July 1, 2009,  
Amendment to Rule 59(dc)

All judgments entered by a district court in unlawful-detainer actions, residential and commercial, are subject to the 2006 amendment to § 6-6-350, Ala. Code 1975, which reduced the appeal time from 14 to 7 days for appeals of such judgments to the circuit court. Rule 59(dc) has been amended to require postjudgment motions in unlawful-detainer actions filed under this rule to be filed within the seven-day appeal period. If filed within that period such motions will be subject to the provisions of Rule 59.1(dc) regarding the disposition of posttrial motions. For unlawful-detainer actions subject to § 6-6-350, Ala. Code 1975, the amendment also reduces to seven days the time within which the court may, on its own initiative, order a new trial.