

Alabama Rules of Civil Procedure

VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

Rule 66.

Receivers.

An action wherein a receiver has been appointed shall not be dismissed except by order of the court. The practice in the administration of estates by receivers or by other similar officers appointed by the court shall be in accordance with §§ 6-6-620 through 6-6-628, Code of Alabama 1975, and with the practice heretofore followed in the courts of this state or as provided in rules promulgated by the Supreme Court of Alabama. In all other respects the action in which the appointment of a receiver is sought or which is brought by or against a receiver is governed by these rules.

(dc) *District court rule.* Rule 66 does not apply in the district courts.

[Amended eff. 10-1-95.]

Committee Comments on 1973 Adoption

The rule is modeled on Federal Rule 66 and Minn.R.C.P. 66.

The rule preserves existing Alabama practice with regard to “the administration of estates by receivers.” As to the existing practice, see Tilley, *Alabama Equity Pleading and Practice*, 348 et seq. (1954). The general meaning of the phrase “practice in the administration of estates” is discussed in *Phelan v. Middle States Oil Corp.*, 210 F.2d 360, 363-364 (2d Cir.1954). In all other respects these rules govern actions involving receivers.

Committee Comments to October 1, 1995, Amendment to Rule 66

The amendment replaced the citation to the Code of Alabama 1940 (Recomp. 1958) with a citation to the corresponding section of the Code of Alabama 1975.

District Court Committee Comments

To the extent that the appointment of a receiver is an action seeking equitable relief, the district court is deprived of jurisdiction pursuant to § 12-12-30(1), Code of Ala. Further, the informality of practice contemplated in the district court does not harmonize with the rather complicated practice that might ordinarily attend an action in which a receivership is necessary.