

Alabama Rules of Civil Procedure

VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

Rule 70.

Judgment for specific acts; vesting title.

If a judgment directs a party to execute a conveyance of land or to deliver deeds or other documents or to perform any other specific act and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court and the act when so done has like effect as if done by the party. On application of the party entitled to performance, the clerk shall issue a writ of attachment or sequestration against the property of the disobedient party to compel obedience to the judgment. The court may also in proper cases adjudge the party in contempt. If real or personal property is within the state, the court in lieu of directing a conveyance thereof may enter a judgment divesting the title of any party and vesting it in others and such judgment has the effect of a conveyance executed in due form of law. When any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of execution or assistance upon application to the clerk.

(dc) *District court rule.* Rule 70 does not apply in the district courts.

Committee Comments on 1973 Adoption

The rule is identical with Federal Rule 70, save that the word “state”, rather than “district”, as in the federal rule, is used in the penultimate sentence. Equity Rule 72 is virtually the same, and the general notion expressed by the rule has been found in Alabama statutes since at least 1841. Clay, *Alabama Digest*, p. 354, § 57 (1843). See generally, 7 Moore’s *Federal Practice*, ¶¶ 70.02-70.04 (2d ed.1971).

The rule sufficiently covers the subject matter appearing in Code of Ala., Tit. 7, §§ 328-332 and those statutes are, therefore, superseded by the rule.