

# Land Title Association of Alabama

August 24, 2025

## Case Law Update

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Case Law Update:

### Adverse Possession

*Beyke v. Marquart*

2025 Ala. Civ. App. LEXIS 51; 2025 WL 1085236 (Apr. 11, 2025)

Reminder of "hybrid" adverse possession in a dispute between coterminous landowners: requires either 1) an agreement plus 10 years possession, or 2) ordinary prescriptive adverse possession under a claim of right for 10 years

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Case Law Update:

### Adverse Possession

*Ebsco Indus., Inc. v. Ballard*

2025 Ala. LEXIS 56; 2025 WL 1600607 (June 6, 2025)

It is not possible to acquire property via adverse possession until after leasehold interest terminates.

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Case Law Update:

## Adverse Possession

*Rayonier v. Forest Res., LP v. Hudson*

2025 Civ. App. LEXIS 55; 2025 WL 1085271 (Apr. 11, 2025)

Adverse possession analysis in woodlands property case: continuous and persistent cutting of timber is not required. Evidence of marking boundaries, maintaining land using good forestry practices and leasing for hunting can collectively establish AP.

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Case Law Update:

## Adverse Possession

*Villarreal v. Moss*

2025 Ala. Civ. App. LEXIS 96; 2025 WL 2371503 (Aug. 15, 2025)

Discussion of extinguishment of an easement through adverse possession.

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Case Law Update:

## Boundary Lines

*Galloway v. Moore*

2025 Ala. Civ. App. LEXIS 78; 2025 WL 1775131 (June 27, 2025)

Judgments establishing boundary lines between coterminous lands must be reasonably definite and certain. Lines must be capable of physical identification.

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Case Law Update:

## Easements

*Hynes v. Middleton*

2025 WL 1775792 (Ct. Civ. App. Ala. 2025)

Clarification of unity of title requirements for easements appurtenant.

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Case Law Update:

## Foreclosures

*Ross v. West Wind Condo. Ass'n*

2025 Ala. Civ. App. LEXIS 90; 2025 WL 2088345 (July 25, 2025)

Fact intensive discussion of notice in competing actions.  
Good procedural review!

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Case Law Update:

## Foreclosures

*Martin v. Scarborough BBVA USA Bancshares, Inc.*

2024 Ala. LEXIS 195; 2024 WL 4863866 (Nov. 22, 2024)

From last year, but important! Mere inadequacy of price is not sufficient to set aside a foreclosure sale, but it can raise a presumption of fraud, coupled with other circumstances suggesting unfairness, misconduct or mismanagement.

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Case Law Update:

## Foreclosures

*Nat'l Assets & Co. , LLC v. Firstkey Master Funding 2021-A Collateral Trust*

2025 U.S. Dist. LEXIS 139860 (N.D. Ala., July 22, 2025)

*Discussion of who is owed the profit from sale post-foreclosure.*

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Case Law Update:

## Leases

*Hembree Ins. Trust v. Maples Indus. Inc.*  
2025 Ala. LEXIS 38; 2025 WL 1085479 (Apr. 11, 2025)

Two important holdings: 1) lessor need not be property owner to validly lease to another if the lessor lawfully possesses the property; and 2) tenant in possession generally cannot dispute landlord's title to the property.

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Case Law Update:

## Life Estates

*Thrift v. Sparks*  
2025 Ala. App. LEXIS 35 (Mar. 21, 2025)

Agreement between grantor and grantee did not create a life estate where language only gave grantor a personal right to occupy the residence that could be terminated under certain conditions.

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Case Law Update:

## Necessary Parties

*Barry v. Sullivan*

2025 Ala. Civ. App. LEXIS 23; 2025 WL 728950 (Mar. 7, 2025)

*To determine a disputed boundary line, all joint tenants and ANY parties with an interest in involved land must be parties.*

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Case Law Update:

## Statute of Frauds

*Ransby v. Moore*

2025 Ala. Civ. App. LEXIS 76 (June 13, 2025)

Parol evidence and concurrent facts could be used to identify property with certainty. As such, the description given in a conveyance agreement was not insufficient.

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Case Law Update:

## Artificial Intelligence

*Johnson v. Dunn*

2025 U.S. Dist. LEXIS 141805 (N.D. Ala., July 23, 2025)

Using generative artificial intelligence for legal research is DANGEROUS.

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## Corporate Transparency Act Update

All entities created in the United States—including those previously known as “domestic reporting companies”—and their beneficial owners are now exempt from the requirement to report beneficial ownership information to FinCen. Existing foreign companies that must report their beneficial ownership information had at least 30 days from March 26, 2025 to do so.

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