



U.S. Supreme Court Ruling May Impact Property Rights in Alabama

Media Mention
06.05.2023

Reprinted with permission from *AL.com* (June 2023)

As Alabama courts look to determine ownership over excess proceeds of seized property, Will Hereford says a recent Supreme Court ruling in a Minnesota case may impact Alabama's pending suits.

The debate stems from whether the original owner of the property receives the surplus after back taxes are paid or if the county can collect those profits instead. Hereford says, "What we're focused on are persons or owners who were unable to redeem for one reason or another. They're losing their property, or they've lost their property. They want to recover that surplus amount." His aim is for current suits to create a process for the return of these funds to the original property owner.

"I think the U.S. Supreme Court makes it clear that these surplus funds do represent property rights," says Hereford. "A surplus that results from property being sold for taxes represents a property right that's to be returned to the owner."

Alabama is one of 11 states with laws allowing governments to collect the surplus from seized properties sold at auctions. According to Hereford, "(The government is) limited to taking property for public use and if they take property from someone, the person has to be fairly compensated for the takings."

To read the full article, [click here](#).

RELATED PROFESSIONALS

William S. Hereford

RELATED CAPABILITIES

Bankruptcy Litigation

Commercial Landlord/Tenant Litigation

Commercial Litigation

Construction & Project Development

Creditors' Rights and Bankruptcy

Real Estate

Tax Sales