

Bond Case Briefs

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CONDEMNATION - ALABAMA

Lima One Capital, LLC v. City of Birmingham

Supreme Court of Alabama - August 21, 2026 - So.3d - 2026 WL 2451153

City brought nuisance-abatement action against owner of apartment complex that city wished to condemn and completely demolish and also against mortgagee. Only mortgagee appeared to defend the suit.

After a hearing following city's motion for injunctive relief, the Circuit Court ordered the property completely demolished and ordered mortgagee to pay the demolition expenses. Mortgagee appealed.

The Supreme Court held that:

- Trial court's order was permanent injunction;
- Trial court was required to follow the rule governing accelerated trials on the merits before entering the order; and
- Trial court exceeded its authority when it entered the order.