Rel: November 6, 2026

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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2026-2027

CL-2026-0393

Devosky Hood

v.

Barbara L. Smith

Appeal from Montgomery Circuit Court
(CV-26-120)

EDWARDS, Judge.

On December 12, 2025, Barbara L. Smith commenced in the Montgomery District Court ("the district court") an action asserting a claim of unlawful detainer against Devosky Hood. Smith asserted that, in July 2022, she and Hood had entered into a "commercial lease" ("the

lease agreement"), pursuant to which Hood agreed to lease from Smith certain real property ("the commercial lot"). According to documents accompanying Smith's complaint, on August 25, 2025, Smith notified Hood that he owed her approximately $53,500 in outstanding rent under the terms of the lease agreement and that he had seven days from the date of the notice either to satisfy his financial obligation or to vacate the commercial lot.[1]

In his answer, Hood asserted that he had not been properly served with Smith's complaint. He also asserted that he was not Smith's tenant but, rather, that he and Smith had executed a purchase agreement ("the alleged purchase agreement") in July 2022 for Hood to purchase the commercial lot from Smith, and he attached documentation in support of his assertions. Hood also presented a 2024 addendum to the alleged purchase agreement that provided that Hood would receive a deed to the commercial lot after paying Smith $53,000.[2]

[1]Smith also filed an application and affidavit for the entry of a default judgment against Hood, requesting $53,000 in monetary damages.

[2]That amount was to be paid in monthly installments of $500.

On February 26, 2026, the district court entered an order noting that it had conducted a trial on Smith's complaint but that, "[d]uring the course of the trial[,] it became apparent to the [district court] that the case involved potential equitable issues, in particular, a dispute over the sale of real property, in addition to a one[-]page commercial lease." The district-court judge observed that "the issues of real property" were beyond the scope of the district court's jurisdiction, and he transferred the unlawful-detainer action to the Montgomery Circuit Court ("the circuit court").

On April 2, 2026, after the unlawful-detainer action was docketed in the circuit court, Hood filed in the circuit court a counterclaim against Smith, alleging that the parties had previously entered into the alleged purchase agreement, pursuant to which, he said, he had purchased from Smith an interest in the commercial lot and had taken possession of the commercial lot "consistent with a purchaser's interest." Hood requested that the circuit court find that the "matter [was] a contract dispute, not a landlord-tenant relationship," and that Smith had breached the alleged purchase agreement by engaging in conduct that had "interfered with and prevented [Hood] from performing under the [alleged purchase]

agreement" by refusing to accept payment from Hood and failing to provide Hood with receipts for the payments that she had accepted. Hood requested that the circuit court order Smith to complete the sale of the commercial lot or, in the alternative, award him appropriate monetary damages.

The circuit court conducted a trial on April 29, 2026. On May 6, 2026, the circuit court entered a judgment holding that Smith was the legal title holder of the commercial lot and that Hood had defaulted on the terms of the lease agreement. The circuit court specifically noted that, in ruling on Smith's unlawful-detainer action, it was "declin[ing] to address the validity of the Land/Sales Contract entered into between the parties, whether [Hood] maintain[ed] a right to purchase the [commercial lot, and] whether [Hood was] entitled to a refund of his earnest money." Hood appeals.

Although neither party has questioned this court's jurisdiction, "'jurisdictional matters are of such magnitude that we take notice of them at any time and do so even ex mero motu.'" Hubbard v. Hubbard, 935 So. 2d 1191, 1192 (Ala. Civ. App. 2006) (quoting Nunn v. Baker, 518 So. 2d 711, 712 (Ala. 1987)). We conclude that the district court lacked

the authority to transfer Smith's unlawful-detainer action to the circuit court and that the circuit court's judgment is, therefore, void. We find our decision in Darby v. Schley, 8 So. 3d 1011, 1013 (Ala. Civ. App. 2008), to be instructive in this matter.

In Darby, the plaintiff initiated an unlawful-detainer action in the Shelby District Court. That court transferred the action to the Shelby Circuit Court based on assertions made in the defendant's motion to dismiss. Id. at 1013. The Shelby Circuit Court entered a summary judgment in the defendant's favor on the unlawful-detainer claim, and the plaintiff appealed. Id. This court vacated the Shelby Circuit Court's judgment and dismissed the appeal, stating, in relevant part:

> "By statute, original jurisdiction over unlawful-detainer actions lies in the district courts. § 6-6-330, Ala. Code 1975 ('The forcible entry upon and detainer, or the unlawful detainer, of lands, tenements and hereditaments is cognizable before the district court of the county in which the offense is committed.'). A circuit court may not exercise jurisdiction over an unlawful-detainer action until the district court has adjudicated the unlawful-detainer action and one of the parties has appealed to the circuit court. See § 6-6-350, Ala. Code 1975 ('Any party may appeal from a judgment entered against him or her [in an unlawful-detainer action] by a district court to the circuit court at any time within seven days after the entry thereof, and [the] appeal and the proceedings thereon shall in all respects, except as provided in this article, be governed by this code relating to appeal from district courts.'). Accordingly, [the plaintiff's] unlawful-detainer

> action was not an action 'within the exclusive jurisdiction of the circuit court,' § 12-11-9, [Ala. Code 1975], and, therefore, the Shelby District Court did not have the authority to transfer that action to the Shelby Circuit Court pursuant to § 12-11-9. Moreover, because the Shelby District Court had not adjudicated [the plaintiff's] unlawful-detainer action and no appeal from such an adjudication had been taken, the unauthorized transfer of [the plaintiff's] unlawful-detainer action could not transfer jurisdiction over that action to the Shelby Circuit Court. Furthermore, after the transfer of the action to the Shelby Circuit Court, [the plaintiff] did not amend his complaint to assert another claim that was within the circuit court's original jurisdiction.
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> "Because the Shelby Circuit Court lacked jurisdiction over [the plaintiff's] unlawful-detainer action, the purported judgment it entered in that action is void and, therefore, will not support an appeal. See, e.g., State Dep't of Revenue v. Arnold, 909 So. 2d 192, 193 (Ala. 2005)."

8 So. 3d at 1013-14 (footnote omitted).

Smith's unlawful-detainer claim, which was the sole claim Smith raised, was within the exclusive jurisdiction of the district court, see Ala. Code 1975, § 6-6-330, and, pursuant to Ala. Code 1975, § 12-11-9 (providing that district courts must transfer cases within the "exclusive jurisdiction of the circuit court" to the appropriate circuit court), it was not subject to being transferred to the circuit court. Hood's equitable defense to that claim is similarly within the district court's jurisdiction, as is his compulsory counterclaim that Smith had violated the terms of

the alleged purchase agreement. Ala. Code 1975, § 12-12-30. Because the district court did not adjudicate Smith's unlawful-detainer claim or Hood's compulsory counterclaim, neither party could have appealed that adjudication to the circuit court.[3] Ala. Code 1975, § 6-6-350. Thus, the district court's unauthorized transfer of the action to the circuit court did not transfer jurisdiction over the action to the circuit court. As was the case in Darby, because the circuit court lacked jurisdiction over Smith's unlawful-detainer action, the circuit court's judgment in the action is void and will not support this appeal. Darby, 8 So. 3d at 1014. Accordingly, we dismiss Hood's appeal, albeit with instructions to the circuit court to vacate its void judgment and to transfer the unlawful-detainer action back to the district court.[4] See Rimpsey Agency, Inc. v. Johnston, 218 So. 3d 1242, 1245-46 (Ala. Civ. App. 2016).

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[3]Hood's "statement of the facts" section in his brief on appeal suggests that he appealed an adjudication of the district court. However, the record contains no such adjudication. Instead, the record clearly indicates that the district court purported to transfer the case to the circuit court pursuant to Ala. Code 1975, § 12-11-9.

[4]We note that Smith sought $53,000 in her application and affidavit for the entry of a default judgment, which exceeds the district court's $20,000 jurisdictional limit. See Ala. Code 1975, § 12-12-30. Upon return to the district court, Smith must either waive the excess damages that is seeking from Hood or initiate a separate action in the circuit court for the

APPEAL DISMISSED WITH INSTRUCTIONS.

Moore, P.J., and Hanson, Fridy, and Bowden, JJ., concur.

portion of her monetary claim exceeding the jurisdictional limits of the district court. Nest Two Ventures, LLC v. Capps, 295 So. 3d 1066, 1072 n.2 (Ala. Civ. App. 2019).