

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

158



FROM: Assessor-County Clerk-Recorder

SUBMITTAL DATE:
June 28, 2011

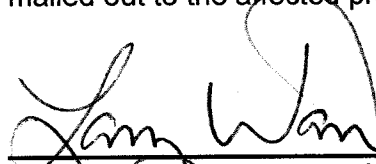
SUBJECT: Resolution No. 2011-195, Resolution Authorizing The Riverside County Recorder To Mail Courtesy Notices To Real Property Owners Whose Properties Are Affected By Certain Real Property Instruments Recorded In The Office Of The County Recorder.

RECOMMENDED MOTION: That the Board of Supervisors approve and adopt Resolution No. 2011-195, Resolution Authorizing The Riverside County Recorder To Mail Courtesy Notices To Real Property Owners Whose Properties Are Affected By Certain Real Property Instruments Recorded In The Office Of The County Recorder.

BACKGROUND: Forged and otherwise fraudulent real property instruments, including deeds and trust deeds, are often recorded in the official records of the Riverside County Recorder. The owner-victims of real properties are often unaware that such irregular and illegal instruments have thusly been recorded against their properties until weeks, months, or even years later. Such irregular and illegal instruments cloud titles, and cause economic damage and mental and emotional suffering to the owner-victims.

Government Code Section 27297.7 provides that this Board may adopt a Resolution which would authorize the Riverside County Recorder to mail a courtesy notice to the owner of a real property whenever a deed, a quitclaim deed, or a trust deed (affecting that property) is recorded with the County Recorder. Section 27297.7 requires that such a courtesy notice be mailed out to the affected property owner within 30 days after the instrument in question is recorded.

(Continued on page 2)


Larry W. Ward, Assessor-County Clerk-Recorder

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	N/A
	Annual Net County Cost:	\$	For Fiscal Year:	2011-2012
SOURCE OF FUNDS: Recording Fees and Recorder Modernization Fund				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

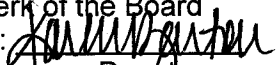
BY: 
Karen L. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: June 28, 2011
xc: ACR

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.:

District:

Agenda Number:

ALL

3.18

FORM APPROVED COUNTY COUNSEL
 BY: Adam Belman
 GLENN R. BELLOIAN
 DATE: 06/15/2011

Departmental Concurrence

Policy Policy
 Consent Consent
 Dep't Recomm.:
 Per Exec. Ofc.:

SUBJECT: Resolution No. 2011-195, Resolution Authorizing The Riverside County Recorder To Mail Courtesy Notices To Real Property Owners Whose Properties Are Affected By Certain Real Property Instruments Recorded In The Office Of The County Recorder.

Section 27297.7 provides that its provisions do not apply to the recordation of any document where the federal government, or state, county, city, or any subdivision of the state acquires title. Section 27297.7 provides that the failure of the County Recorder to mail out the courtesy notice shall not result in any liability against the Recorder or the County. Section 27297.7 provides that, if a courtesy notice is returned to the County Recorder by the postal service as undeliverable, the Recorder is not required to retain the returned notice.

Section 27297.7 provides that the County Recorder may hire an outside vendor to do the processing and/or mailing of the courtesy notices (and that the contract with such an outside vendor shall be awarded by competitive bid).

It is anticipated that the Riverside County Recorder's intended courtesy notice would provide the following benefits to members of the public:

- 1) It would alert the owners of real properties, in a timely fashion, to possible fraudulent activities;
- 2) It would provide the property owners with a contact number should fraud be suspected;
- 3) It would allow the District Attorney to more quickly investigate and prosecute fraudulent activities (which would reduce the amount of harm and the number of victims).
- 4) It would deter perpetrators from recording fraudulent instruments;
- 5) It would allow crime to be detected quicker;
- 6) It would help to prevent real estate scams, fraud, and the resulting losses and damages from such activities;
- 7) It would help to reduce illegal real property activities; and
- 8) It would serve as a vehicle of community outreach by notifying real property owners of activities relating to their properties.

2 RESOLUTION NO. 2011-195

3 RESOLUTION AUTHORIZING THE RIVERSIDE COUNTY
4 RECORDER TO MAIL COURTESY NOTICES TO
5 REAL PROPERTY OWNERS WHOSE PROPERTIES ARE
6 AFFECTED BY CERTAIN REAL PROPERTY INSTRUMENTS
7 RECORDED IN THE OFFICE OF THE COUNTY RECORDER

8 WHEREAS, forged and otherwise fraudulent real property instruments, including deeds and trust
9 deeds, are often recorded in the official records of the Riverside County Recorder;

10 WHEREAS, the owner-victims of real properties are often unaware that such irregular and illegal
11 instruments have thusly been recorded against their properties until weeks, months, or even years later:

12 WHEREAS, such irregular and illegal instruments cloud titles, and cause economic damage and
13 mental and emotional suffering to the owner-victims;

14 WHEREAS, Government Code Section 27297.7 provides that this Board may adopt a Resolution
15 which would authorize the Riverside County Recorder to mail a courtesy notice to the owner of a real
16 property whenever a deed, a quitclaim deed, or a trust deed (affecting that property) is recorded with the
17 County Recorder;

18 WHEREAS, Section 27297.7 requires that such a courtesy notice be mailed out to the affected
19 property owner within 30 days after the instrument in question is recorded;

20 WHEREAS, Section 27297.7 provides that its provisions do not apply to the recordation of any
21 document where the federal government, or state, county, city, or any subdivision of the state acquires
22 title;

23 WHEREAS, Section 27297.7 provides that the failure of the County Recorder to mail out the
24 courtesy notice shall not result in any liability against the Recorder or the County;

25 WHEREAS, Section 27297.7 provides that, if a courtesy notice is returned to the County Recorder
26 by the postal service as undeliverable, the Recorder is not required to retain the returned notice; and
27

1 WHEREAS, Section 27297.7 provides that the County Recorder may hire an outside vendor to do
2 the processing and/or mailing of the courtesy notices (and that the contract with such an outside vendor
3 shall be awarded by competitive bid);

4 NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the
5 County of Riverside, State of California, in regular session assembled on June 28, 2011, that the Riverside
6 County Recorder is hereby authorized to cause the above described courtesy notices to be mailed out to
7 owners of real properties as provided in Government Code Section 27297.7, and that the Recorder is
8 further authorized to seek Board approval of a contract which would hire an outside vendor to do the
9 processing and/or mailing of those courtesy notices.
10

11
12 ROLL CALL:

13 Ayes: Buster, Tavaglione, Stone, and Benoit
14 Nays: None
15 Absent: Ashley

16 The foregoing is certified to be a true copy of a resolution duly
17 adopted by said Board of Supervisors on the date therein set forth.

18 KECIA HARPER-IHEM, Clerk of said Board

19 By: _____
20 Deputy

21
22
23
24
25
26 FORM APPROVED COUNTY COUNSEL

27 BY: Glenn Beloian 06/15/2011
28 GLENN R. BELOIAN DATE