



Swift Justice for Victims of Fraudulent Transfer

Megan Crandall Solomon
Underwriting Counsel, The Fund

1

Combating Title Fraud

- History of the Title Fraud Bill
- Bonus content on related statutes
- Industry stories
- Quieting title; Fraudulent Conveyances
- Summary procedure



2

What is the problem in Florida?

- CNBC named which state best for buying & selling a home in 2024?
- States graded based on balance of affordability & value
- FBI reports 500% increase in vacant-land fraud over last 4 years
- Even Graceland fell victim to title fraud



3

Combating Florida Title Fraud

- Recent increase in title fraud
- Fraudster executes deeds that appear facially valid
- Deed may be legally void ab initio
- Clerk not authorized to remove fraudulent deeds



4

Bonus Content

- Pilot Program to Combat Fraud
- Witness Addresses for Recording Instruments Affecting Real Property
- Form of quitclaim deed prescribed
- Property Fraud Alert



5

Pilot Program to Fight Fraud

Sec. 28.2225, F.S.

- Lee County clerk checks ID for any person recording a document transferring a real property interest
- 2-year program: Clerk will report if helpful in deterring & detecting title fraud—expansion



6

Witness address required

Sec. 695.26, F.S



- Instruments which convey, assign, encumber or otherwise dispose of real property require address for witnesses
- Be mindful, when using witnesses on other documents as clerk may demand addresses to record

7

Form for Quitclaim Deed

Sec. 689.025, F.S

- Must substantially follow statute form
- Legible legal description of real property
- Blank space for parcel identification number
- Parcel number not substitute for legal description



8

Property Fraud Alert



Sec. 28.47, F.S.

- Free recording notification service in all counties
- Operation and maintenance by each clerk of circuit court
- The service is open to all persons wishing to register for it



9

Orange County, Florida

Phil Diamond
Orange County Comptroller
109 E Church St
Suite 300
Orlando, FL 32801
407-836-5690

[Comptroller Home](#)
[Property Fraud FAQ's](#)
[Official Records Search](#)
[Property Appraiser](#)
[Tax Collector](#)
[Sheriff's Office](#)

PROPERTY FRAUD ALERT

If you require assistance to sign up please call us at 800-728-3858.

What is your preferred language for notifications? ☒ English ☐ Spanish

What type of name would you like to monitor? ☒ Personal ☐ Business / Trust

First Name Confirm First Name

Last Name Confirm Last Name


Where should we send document recording alerts? ☒ Email ☐ Text Message ☐ Voice Phone Call

Email Confirm Email

English

10

Orange County, Florida



Phil Diamond
Orange County Comptroller
109 E Church St
Suite 300
Orlando, FL 32801
407-836-5690

[Comptroller Home](#)
[Property Fraud FAQ's](#)
[Official Records Search](#)
[Property Appraiser](#)

PROPERTY FRAUD ALERT

If you require assistance to sign up please call us at 800-728-3858

Thank you for registering for Property Fraud Alert in Orange County, Florida. The name: **John Owner** ; now being monitored. Below is a summary of the information you entered. It is recommended that you print this page for your own records. If you have any questions please call 1-800-728-3858.

What type of name would you like to monitor? **Personal**

First Name **John**

Last Name **Owner**

Where should we send document recording alerts? **Email**

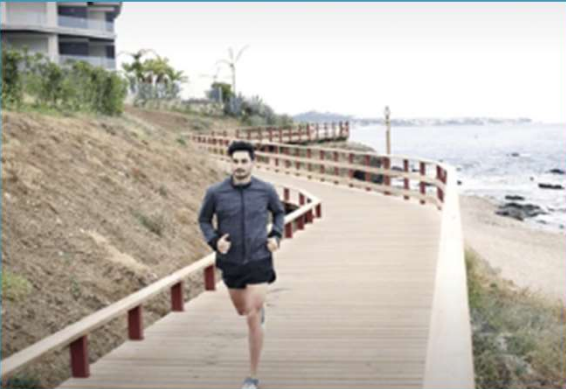

Email **JohnO@thefund.com**

[Sign Up again](#)

Data Privacy Statement: All information entered into the Property Fraud Alert site is used exclusively for the tracking and notification of recording activity. The owner of this website (Fidlar Technologies in partnership

11

Property Fraud

12

Remedies for Title Fraud

- Civil remedies—declaratory relief or quiet title actions
- Multiple criminal penalties if fraudster can be found
- Third Party Purchasers—title insurance protection
- Process takes months



13

Quieting Title – Fraudulent Conveyances

Sec. 65.091, F.S.

- Aims to restore victim to previous status
- Expedited procedure
- Simplified form
- Summary procedure
- Judicial calendar priority

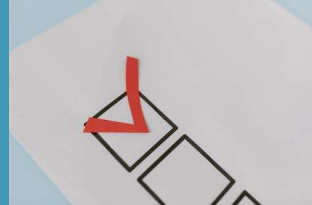


14

Simplified Form Documents

Prior to filing, get copies of the following:

- Fraudulent deed
- Deed into original owner
- Deraignment of title for at least 7 years prior to fraudulent deed
- All records that prove case including tax records



15

COMPLAINT TO QUIET TITLE BASED ON FRAUDULENT CONVEYANCE UNDER SECTION 65.091, FLORIDA STATUTES

The plaintiff(s), _____, sue(s) defendant(s), _____, defendant's unknown spouse, heirs, devisees, grantees, judgment creditors, and all other parties claiming by, through, under, or against defendants or parties or claiming to have any right, title, or interest in the property described in this complaint, and alleges:

1. This is an action to quiet and confirm title of plaintiff in and to lands located in _____ County, Florida.
2. Plaintiff owns the following real property:

3. Plaintiff shows entitlement to (deraigns) title as follows (must show chain of title for at least the past 7 years):
Plaintiff obtained ownership by deed or instrument dated _____, recorded on _____, in official records book _____, page _____ of the public records of _____ County, Florida. The property description in that deed is as follows:

4. The deed or instrument purported to have been signed by plaintiff(s), or purporting to convey the property to defendant(s), dated _____, recorded _____, in official records book _____, page _____ of the public records of _____ County, Florida, is fraudulent.

16

5. Plaintiff did not execute the deed and has not conveyed the property to any person since obtaining the conveyance(s) described in paragraph (3).

6. The deed or instrument described in paragraph (4) did not convey title to defendant because the grantor had no title, but the recording of the deed casts a cloud on plaintiff's title.

WHEREFORE, the plaintiff(s) respectfully request (requests) the court to enter an order to quiet title in and award the plaintiff(s) with the same title and rights to the land that the plaintiff enjoyed before the attempted conveyance.

Date:

Plaintiff

Address

City, State, Zip Code

Phone

Email

(Include Signature for each Plaintiff)

Plaintiff Signature

Plaintiff Signature

Plaintiff Signature

17

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT IN AND
FOR DUVAL COUNTY, FLORIDA

Plaintiff(s),
John Owner

vs.
Defendant(s)
Fraudster Fred

FILED
OCT 2 2024
DUVAL CLERK OF COURT

CASE NO. 2024-1
CV-C

Individually, if living, and if deceased their unknown spouse,
heirs, devisees, grantees, creditors,
and all other unknown parties off or claimants and the city of Jacksonville, and the municipal corporation

**COMPLAINT TO QUIET TITLE BASED ON FRAUDULENT CONVEYANCE
UNDER SECTION 65.091, FLORIDA STATUTES**

The plaintiff(s), , sue(s) defendant(s), , defendant's unknown spouse, heirs, devisees, grantees, judgment creditors, and all other parties claiming by, through, under, or against defendants or parties or claiming to have any right, title, or interest in the property described in this complaint, and alleges:

1. This is an action to quiet and confirm title of plaintiff in and to lands located in
1234 Fund Assembly St, Jacksonville, FL 32208 Duval County, Florida.

2. Plaintiff owns the following real property:
1234 Fund Assembly St, Jacksonville, FL 32208 Duval County, Florida

3. Plaintiff shows entitlement to (deraigns) title as follows (must show chain of title for at least the past 7 years):

18

record Date:
8/6/2014
Book Type:
OR - Official Records
Book / Page:

Instrument Number:

Number Of Pages:
2
Doc Type:
DEED - DEED
Grantor:

Grantee:

Consideration:
\$15,000.00
of AUX Pages:
0
DocLegals / Parcel#:
L13 KENWOOD

4. The deed or instrument purported to have been signed by plaintiff(s), or purporting to convey the property to defendant(s), dated , recorded (, in official records book , page of the public records of County, Florida, is fraudulent.

5. Plaintiff did not execute the deed and has not conveyed the property to any person since obtaining the conveyance(s) described in paragraph (3).

6. The deed or instrument described in paragraph (4) did not convey title to defendant because the grantor had no title, but the recording of the deed casts a cloud on plaintiff's title.

WHEREFORE, the plaintiff(s) respectfully request (requests) the court to enter an order to quiet title in and award the plaintiff(s) with the same title and rights to the land that the plaintiff enjoyed before the attempted conveyance.

19

Summary Procedure

Sec. 51.011, F.S.

- Initial pleading shall contain matters required by statute
- Answer filed within 5 days of service
- If counterclaim, answer within 5 days of service
- No other pleadings permitted
- All defensive motions, shall be heard by court prior to trial



20

Summary Procedure

Sec. 51.011, F.S.

- Discovery
 - Depositions at any time
 - Other discovery only on order of court
- Jury: If authorized by law, any party may demand
- New Trial: Motion for new trial served within 5 days
- APPEAL: Notice of appeal served within 30 days



21

Combat Fraud

- Seller & Borrower Verification
- Escrow Protector
- Common Sense
- Utilize Secure Protocols
- Routine Training
- Incident Response Plan
- Take Charge of the Closing
- You



22

Breakfast of Champions

Saturday from 8:30 AM - 10:30 AM

- NAR Settlement: Practice changes resulting from recent settlement
- Comprehensive fraud prevention and mitigation strategies



23



Thank you

For more information please contact:

Megan Crandall Solomon

800-336-3862 | msolomon@thefund.com | Web site: TheFund.com

24