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Commission to Recommend Methods for Preventing Deed Fraud in the State

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**Commission To Recommend Methods for
Preventing Deed Fraud in the State**

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Table of Contents

Executive Summary	iii
I. Commission Process.....	1
II. Background Information	2
A. <i>What is “deed fraud,” how does it occur, and how often does it occur in Maine?</i>	2
B. <i>Seller identity verification by real estate licensees in Maine</i>	6
C. <i>Notarization and recording of instruments affecting title to real property in Maine</i>	10
D. <i>Existing civil remedies available to victims of deed fraud in Maine</i>	16
E. <i>Existing criminal penalties potentially applicable to perpetrators of deed fraud in Maine</i> ..	19
F. <i>Deed fraud educational materials available to professionals and members of the public</i>	21
G. <i>Recent approaches to combatting deed fraud in other jurisdictions</i>	23
III. Findings and Recommendations.....	28
A. <i>Findings</i>	29
B. <i>Recommendations</i>	31
Appendices	
A. Authorizing Legislation: Resolve 2021, chapter 104	
B. Membership List: Commission to Recommend Methods for Preventing Deed Fraud in the State	
C. Staff handout: Current Data on Deed Fraud	
D. Presentation from York County Sheriff William King	
E. Memoranda from Real Estate Commission Director Catherine E. Pendergast	
F. Information on Title Insurance and other Civil Remedies from Carrie Cote, Esq.	
G. Staff handout: Criminal Penalties for Deed Fraud Overview	
H. Links to Educational Materials Gathered by Commission Members	
I. Staff handout: Examples of Recently Enacted Deed Fraud Legislation in Other States	
J. Draft Report of the Uniform Law Commission’s Deed Fraud Study Committee	
K. Commission Correspondence	
• Letter to Maine Municipal Association	
• Letter to the Real Estate & Title Section of the Maine State Bar Association	

Executive Summary

Through Resolve 2025, chapter 104, the Legislature established the Commission to Recommend Methods for Preventing Deed Fraud in the State (“the Commission” or “Deed Fraud Commission”) to study and recommend to the Legislature options for both preventing and remedying the effects of deed fraud in the State. The Commission was comprised of 13 members, including several legislators and the following array of individuals with expertise relevant to the Commission’s work: a county register of deeds; an experienced title attorney; an attorney from the Maine Association of Realtors; a board member of the Maine Credit Union League; the Executive Director of Legal Services for Maine Elders; the commander of the Maine State Police Computer Crimes Unit; a member of the Real Estate Commission serving as the designee of the commission’s chair; the Director of Corporations, UCC & Commissions within the Office of the Secretary of State, serving as the Secretary of State’s designee; and the Attorney General of Maine.

Resolve 2025, chapter 104 charged the Commission with the following duties:

- Gathering information and data, if available, on the number and characteristics of successful incidents of and unsuccessful attempts at deed fraud in the State;
- Examining the sufficiency of state laws and practices for:
 - Identity verification for the sale of real property in Maine;
 - Notarization and recording of instruments affecting title to real property in Maine;
 - Existing criminal penalties potentially applicable to perpetrators of deed fraud; and
 - Civil remedies available to victims of deed fraud, including processes for nullifying fraudulently recorded deeds and returning properties to the rightful owners;
- Gathering and examining the sufficiency of currently available educational materials regarding deed fraud in the State for property owners, real estate brokerage agencies, title insurance companies, real estate attorneys and other professionals;
- Examining ways to mitigate the fraudulent listing of homes for rent by individuals who are not the legal homeowners; and
- Examining ways in which deed fraud is conducted through the Internet, including through the use of artificial intelligence technology.

The Commission held four public meetings at the Maine State House in the fall of 2025, receiving information on the following topics from commission members, a national expert and legislative staff:

- Currently available data on the prevalence and characteristics of deed fraud both in Maine and actual examples of both successful and unsuccessful instances of deed fraud in York County;
- The practices and duties of real estate licensees for verifying the identity of persons selling real property in the State; the role of title attorneys and the scope of available title insurance products in the State; the requirements for the notarization of instruments affecting title to real property in the State, including requirements for remote

notarization; and the recording of instruments affecting title to real property in the State and the role of Maine's county registers of deeds;

- Existing criminal penalties potentially applicable to perpetrators of deed fraud under state law and potential civil remedies for victims of deed fraud in the State;
- Deed fraud awareness and prevention educational materials currently available both to professionals involved in real estate transactions and to members of the public; and
- Recent studies and legislation from other states and the Uniform Law Commission designed to prevent and to provide relief for victims of deed fraud.

After carefully considering this information, the Commission makes the following findings and recommendations.

Findings:

1. Deed fraud, particularly seller impersonation fraud, is a growing problem nationwide and an emerging issue in the State of Maine. (Vote: 11-0)
2. In part because there is no uniform process for collecting statewide data on seller impersonation fraud, there is a lack of concrete data regarding the incidence of both attempted and successful instances of this fraud in Maine, the facts underlying each incident, and how each incident was discovered. (Vote: 11-0)
3. Although limited, the information available demonstrates that seller impersonation fraud is generally accompanied by one or more "red flags," which include, but are not limited to, the following:
 - The transaction involves unimproved, vacant land and/or unencumbered property;
 - The seller resides in a different state than the property;
 - the seller will only communicate by electronic means;
 - The seller requests the use of a notary not known to the real estate professionals involved in the transaction;
 - the seller pushes for a quick sale of the property;
 - The property is offered for sale below its market value; and
 - The transaction is conducted on a cash-only basis. (Vote: 11-0)
4. Due to the difficulties of locating and holding responsible the perpetrators of seller impersonation fraud, and the difficulties of unwinding real estate transactions after the fraudulent activity has occurred, it is essential to focus on preventing seller impersonation fraud. (Vote: 10-0)
5. Despite recent increased attention to the problem, there remains a lack of awareness about seller impersonation fraud among members of the general public and among professionals involved in real estate transactions, particularly regarding where to report incidents of deed fraud and the remedies available for victims of deed fraud. (Vote: 11-0)

Recommendations:

1. The Legislature should enact legislation requiring both real estate licensees and settlement agents to verify the identity of persons selling property in all real estate transactions. The steps that each professional must take to fulfil this duty should be specified in rules developed jointly by the Real Estate Commission, for real estate licensees, and the Bureau of Consumer Credit Protection within the Department of Professional and Financial Regulation, for settlement agents. (Vote: 9-2)
2. Municipalities should take steps to ensure that the addresses they maintain for property tax purposes accurately reflect the current addresses of property owners because these tax records can provide a helpful tool for verifying the identity of persons seeking to list property for sale. (Vote: 9-2)
3. The Legislature should enact legislation establishing a process through which a licensed attorney may record an affidavit in the registry of deeds on behalf of a property owner that has the legal effect of nullifying a fraudulent deed in a way that avoids the time and expense of obtaining a court judgment. The Commission recommends that the Judiciary Committee consult the Maine State Bar Association, Real Estate & Title Section, as it develops legislation to implement this process. (Vote: 9-2)
4. The Judiciary Committee should monitor whether the Uniform Law Commission adopts a uniform or model law to address deed fraud and, if so, should consider whether to adopt that uniform or model law in whole or in part. (Vote: 11-0)

I. COMMISSION PROCESS

The Commission to Recommend Methods for Preventing Deed Fraud in the State (“the Commission” or “Deed Fraud Commission”), was established by the Maine Legislature to study and recommend to the Legislature options for both preventing and remedying the effects of deed fraud in the State. (A copy of Resolve 2025, chapter 104, the Commission’s authorizing legislation, is included in Appendix A.) The Commission was comprised of 13 members, including four legislators and nine individuals with an array of expertise in real estate transactions: a county register of deeds; an experienced title attorney; an attorney from the Maine Association of Realtors; a board member of the Maine Credit Union League; the Executive Director of Legal Services for Maine Elders; the commander of the Maine State Police Computer Crimes Unit; a member of the Real Estate Commission serving as the designee of that commission’s chair; the Director of Corporations, UCC & Commissions within the Office of the Secretary of State, serving as the Secretary of State’s designee; and the Attorney General of Maine. (A list of commission members is included in Appendix B.)

Resolve 2025, chapter 104 charged the Commission with the following duties:

- Gathering information and data, if available, on the number and characteristics of successful incidents of and unsuccessful attempts at deed fraud in the State;
- Examining the sufficiency of state laws and practices for:
 - Identity verification for the sale of real property in Maine;
 - Notarization and recording of instruments affecting title to real property in Maine;
 - Existing criminal penalties potentially applicable to perpetrators of deed fraud; and
 - Civil remedies available to victims of deed fraud, including processes for nullifying fraudulently recorded deeds and returning properties to the rightful owners;
- Gathering and examining the sufficiency of currently available educational materials regarding deed fraud in the State for property owners, real estate brokerage agencies, title insurance companies, real estate attorneys and other professionals;
- Examining ways to mitigate the fraudulent listing of homes for rent by individuals who are not the legal homeowners; and
- Examining ways in which deed fraud is conducted through the Internet, including through the use of artificial intelligence technology.

The Commission held four public meetings at the Maine State House in the fall of 2025. Meeting materials, background materials and links to the archived video recordings for each meeting were posted contemporaneously with each meeting and have been archived on the following website: <https://legislature.maine.gov/commission-to-recommend-methods-for-preventing-deed-fraud-in-the-state>.

The Commission solicited information from the following experts and commission members over the course of the first two meetings:

- Commission members Hannah McMullen and Jane Towle, representing the Maine Association of Realtors and the Real Estate Commission, respectively, provided

information on the practices and duties of professionals licensed by the Real Estate Commission for verifying the identity of persons selling real property in the State;

- Commission member and title attorney Carrie Cote, Esq., provided information on the role of title attorneys in validating title and the scope of available title insurance products in the State as well as information gathered from members of the Real Estate & Title Section of the Maine State Bar Association about the types of civil remedies available for victims of deed fraud;
- Commission member and York County Register of Deeds Nancy Hammond provided information regarding the recording of instruments affecting title to real property in the State;
- Commission member and Director of Corporations, UCC and Commissions in the Department of the Secretary of State Cathy Beaudoin provided information on the requirements under state law and rules for notarization of instruments affecting title to real property in the State, including the requirements for remote notarization;
- York County Sheriff William L. King, Jr. identified characteristics of properties subject to recent deed fraud attempts in southern Maine. Sheriff King and Register Hammond each also provided examples of the false identification documents and forged instruments employed in these cases; and
- The chair of the Uniform Law Commission's Deed Fraud Study Committee, J. Cliff McKinney, Esq., provided information on the Uniform Law Commissions' consideration of the advisability and scope of a possible uniform law to combat deed fraud.

At the direction of the Commission and the Commission's co-chairs, legislative staff also provided information at the first three meetings on existing criminal penalties potentially applicable to perpetrators of deed fraud in the State; currently available data on the prevalence and characteristics of deed fraud both in Maine and nationally; and recent studies and legislation from other states designed to prevent and to provide relief for victims of deed fraud.

In advance of the third meeting, commission members gathered deed fraud awareness and prevention educational materials either previously developed by or being developed by members of their professions. Commission members also submitted proposed findings and recommendations for the Commission's consideration during the third and fourth meetings. After lengthy discussions and a careful evaluation of the merits of these proposals at the fourth meeting, the Commission ultimately voted to adopt a series of findings and recommendations. These findings and recommendations, which are described in Part III of this report, will be presented to the Joint Standing Committee on Judiciary during the Second Regular Session of the 132nd Maine Legislature.

II. BACKGROUND INFORMATION

A. What is “deed fraud,” how does it occur, and how often does it occur in Maine?

Resolve 2025, chapter 104 describes deed fraud as occurring “when a person sells real property by falsely claiming to be the property owner and records a deed of the fraudulently induced sale

in the registry of deeds, depriving the rightful owner of a significant asset without the owner’s knowledge.” Deed fraud is often also referred to as “seller impersonation” fraud because the rightful property owner is being impersonated by a fraudster who “illegally sells the real property the perpetrator does not own.”¹ For this reason, the terms “deed fraud” and “seller impersonation fraud” are used interchangeably in this report. In addition, the phrase “real estate licensee” is used throughout this report to describe real estate brokers, agents and others licensed under Title 32, chapter 114 of the Maine Revised Statutes by the Real Estate Commission, while the phrase “licensed real estate professionals” refers both to real estate licensees and to other professionals, including title attorneys, settlement agents, agents of regulated financial institutions, and others involved in real estate transactions in the State.

Although limited quantitative data on deed fraud is available, the Commission reviewed national survey results from the American Land Title Association (ALTA), published in 2024,² and the National Association of Realtors (NAR), published in 2025.³ Each association surveyed its members to elicit information on the prevalence and practice of seller impersonation fraud as experienced by industry professionals. The reported results of the ALTA survey are based on “783 responses from ALTA members and businesses in the broader title insurance company across 49 states and [D.C.]” The NAR survey, which had a 22% response rate, included responses from association general counsels, government affairs directors and executives across the 43 states, territories and D.C. While the data is based on self-reported survey results and, thus, may not fully capture the practice and prevalence of deed fraud, the statistics help contextualize commonalities among deed fraud cases and show the widespread pervasiveness of deed fraud across the United States. (A summary of the data collected in these reports is included in Appendix C.)

Common characteristics of targeted properties and other “red flags”

In both surveys, vacant, non-owner-occupied properties on residential land are identified as common targets for deed fraud. In the ALTA survey, respondents were instructed to share, based on experience, “how common is attempted [seller impersonation fraud] on the following properties”: vacant land, vacation homes, rental property, agricultural land, commercial property and primary residences. A large majority (85%) of the respondents in ALTA survey reported that it is “somewhat common, common or very common” for the scam to occur on vacant property. In the NAR survey, respondents were instructed to answer, to the realtor’s knowledge, the occupancy status of the targeted property in the most recent deed fraud case the realtor encountered. The survey options included: vacant land, other, owner-occupied land, unknown, vacation residential rental, vacant vacation rental, vacant property of a deceased owner. A sizeable majority (62%) of the respondents reported that, in the most recent instance of deed

¹ See, e.g. American Land Title Association, et al., *What is Deed Fraud?*, available at <https://www.alta.org/file/What-is-Deed-Fraud.pdf> (last visited Dec. 10, 2025).

² See ALTA & NDP Analytics, *ALTA Critical Issues Study: Seller Impersonation Fraud* (July 2024), available at <https://www.alta.org/file/Seller-Impersonation-Fraud-Study-Report.pdf> (last visited Dec. 10, 2025). This report was distributed to commission members on September 29, 2025, and is available on the Commission’s website.

³ See National Association of Realtors, *Deed and Title Fraud Survey* (May 2025), available at <https://www.nar.realtor/research-and-statistics/research-reports/deed-and-title-fraud-survey> (last visited Dec. 10, 2025). This report was distributed to commission members on September 29, 2025, and is available on the Commission’s website.

fraud of which the realtor was aware, the attempt involved vacant property. In addition, a majority (52%) of respondents reported that the most recent attempt of which they were aware occurred on residential land, as compared to a detached, single-family home; a townhouse, row house or duplex; a condominium or cooperative, or other type of property.

In its 2024 survey, ALTA asked title insurance companies to identify certain actions observed during real estate transactions that, although not necessarily uncommon or problematic, are associated with an increased risk of seller impersonation fraud. The responding title insurance companies identified the following factors that indicated a higher risk of fraud, listed in order of frequency of response:

- Cash transactions;
- Seller requests that the documents be mailed to them for signature, using their own notary;
- No existing mortgage or encumbrance on the property;
- Seller will not meet, take voice or video calls;
- Property selling for below market value;
- Seller in a different state than the notary;
- Seller requests proceeds wired to a country other than where the seller lives; and
- Title holder is deceased.

In a presentation to the Commission, York County Sheriff William King identified additional red flags involved in recent seller impersonation fraud attempts in Southern Maine. These additional red flags include that the seller rushes to close and expresses an urgent need for money but does not request an earnest money deposit from the buyer. (A copy of Sheriff King's presentation is included in Appendix D.)

How deed fraud occurs

As commission member Carrie Cote, Esq., explained, the methods used by the perpetrators of deed fraud, including the perpetrators of seller impersonation fraud, vary from case to case. Commission member Cote nevertheless described the typical progression of a real estate transaction involving deed fraud.

1. *Identifying a target property.* A wealth of information about properties is available online, including public documents available from each county registry of deeds. A perpetrator can thus effectively search, often using Artificial Intelligence (AI) technology, for vulnerable properties — for example, vacant, non-owner-occupied residential land; property not subject to a mortgage or other encumbrances; and property where the seller is elderly or lives outside of the State.
2. *Listing the property for sale.* Posing as the property owner, the perpetrator contacts a real estate licensee, usually via email or an online inquiry portal, requesting to list the property for sale. Although the real estate licensee may attempt to verify the seller's identity at this point in the process, specific verification processes are not required by Maine law. If the real estate licensee is concerned and hesitates to provide the listing, the

perpetrator simply contacts multiple additional real estate licensees until successful at listing the property.

3. *Closing.* Once a buyer is identified (the buyer may or may not also be a part of the deed fraud scam), a title insurance company is generally engaged to perform a title search and handle the closing. The perpetrator, who is typically not located in Maine, requests a mail-away closing, in which documents are mailed or emailed to the seller for signature and notarization before being mailed back to the closing agent. Often, the “notary” selected by the perpetrator is also an imposter who uses forged credentials and does not perform the required identity verification before notarizing the documents. Even when a licensed notary is involved, results from the 2024 ALTA survey reveal that it is common for the perpetrator to have access to the true property owner’s non-personal public information such as the owner’s birthdate, driver’s license number or social security. As exhibited during Sheriff King’s presentation, perpetrators can use this information to create convincing forged identity documents that may only be detectable after careful examination.
4. *Transfer of funds.* Following the closing, the fraudulent deed is recorded in the registry of deeds by the settlement agent, often by mailing the documents to the registry or using a program that facilitates electronic recording. The fraudulent deed information is also sent to the municipality, where property ownership and tax records are updated to reflect information in the fraudulent deed. The perpetrator receives the proceeds of the sale, often by wire transaction to a domestic account before the money is transferred by the perpetrator to a foreign or untraceable account.

Detection of deed fraud

Survey data indicate that, when deed fraud is detected, it is usually discovered before closing. For example, 46% of title insurance companies who responded to the 2024 ALTA Survey report that it is at least somewhat common to identify deed fraud pre-closing, while 26% of responding title insurance companies reported it was at least somewhat common not to identify fraud until after a fraudulent deed has been recorded. Many property owners do not realize that their property has been the target of deed fraud until there is some sort of abnormality — *e.g.*, the rightful owner stops receiving municipal tax bills or unauthorized construction or other activity is observed on the property by the rightful owner or someone associated with the rightful owner. For example, York County Sheriff William King described a recent deed fraud attempt targeting non-owner-occupied residential property located in Rockland, Maine. Impersonating the property owner, who lived in New Hampshire, the perpetrator contacted a real estate agent through Zillow and requested that the property be listed for sale at a price below market value. Despite numerous red flags, the attempted fraud was not discovered until a neighbor called the rightful owner, informing him that a “For Sale” sign had been posted on the property. In addition, during the title search, the title insurance agent noticed the signatures on the purchasing document did not match the signatures on the selling document.

Maine-specific data on deed fraud

It was difficult for the Commission to precisely quantify the prevalence of deed fraud in Maine. There is no central repository within the State that gathers statistics on the number of incidents of attempted or successful deed fraud. Anecdotally, the Maine Association of Realtors received reports from its members of approximately 25 properties targeted by attempted deed fraud in 2024 and at least 22 properties targeted by attempted deed fraud from January through September of 2025. Unfortunately, additional information about the characteristics of these properties and the methods used by the perpetrators who targeted these Maine properties are not available.

Data gathered and reported by the federal government are similarly incomplete. The Boston Division of the Federal Bureau of Investigation (FBI) observed in an April 1, 2025 press release that its “Internet Crime Complaint Center (IC3), which provides the public with a means of reporting internet-facilitated crimes, does not have specific statistics solely for quit claim deed fraud [*i.e.* deed fraud].” Instead, self-reported complaints to the IC3 that involve incidents of deed fraud fall within the IC3’s “real estate crime” category of data. From 2019 through 2023, a total of 262 victims in Maine self-reported incidents of internet-based real estate crime to the IC3, resulting in \$6,253,008 of total self-reported losses.⁴ More recently, in its 2024 IC3 report, the FBI noted that 55 victims in Maine had self-reported total losses of \$122,001.⁵ However, it is not possible to discern from these data how many of these Maine victims were specifically subject to deed fraud as opposed to other real estate crimes. Moreover, the FBI cautions that “The reported losses are most likely much higher due to the fact that many don’t know where to report it, are embarrassed, or haven’t yet realized they have been scammed.”⁶

B. Seller identity verification by real estate licensees in Maine

Over the course of the first two meetings, the Deed Fraud Commission learned that both the Real Estate Commission and the Maine Association of Realtors disseminate and facilitate best practices for verifying the identity of a person attempting to sell real property in the State and believe that adherence to these best practices is required as a matter of professional ethics; however, there are no specific laws or rules detailing the identity-verification steps that a real estate licensee must take before listing a property and during the course of a real estate transaction.

Identity verification processes encouraged by the Real Estate Commission

It is unlawful for a person to engage in real estate brokerage activities in the State unless that person is licensed by the Real Estate Commission and is acting under the auspices of a licensed

⁴ See FBI Boston Warns Quit Claim Deed Fraud is on the Rise: Landowners and Real Estate Agents Urged to Take Action to Protect Themselves (April 1, 2025), available at <https://www.fbi.gov/contact-us/field-offices/boston/news/fbi-boston-warns-quit-claim-deed-fraud-is-on-the-rise-> (last visited Dec. 10, 2025).

⁵ The FBI’s 2024 IC3 Annual Report, as well as the data tables specific to each state, including Maine, are available at <https://www.ic3.gov/annualreport/reports> (last visited Dec. 10, 2025).

⁶ See FBI April 1, 2024 Press Release, *supra* note 4.

brokerage agency.⁷ As a matter of state policy, the Real Estate Commission is directed by law to supervise real estate licensees “in a manner to ensure that they meet standards which will promote public understanding and confidence in the business of real estate brokerage.”⁸ The Legislature has delegated authority to the Real Estate Commission to adopt rules consistent with state law that are designed to “assure applicants are sufficiently trustworthy and competent to transact the business for which they will be licensed” and that “establish standards of practice which serve the interests of both the public and the industry.”⁹ Moreover, licensees of the Real Estate Commission must provide services “through a brokerage agreement for a client” and are statutorily “bound by the duties of loyalty, obedience, disclosure, confidentiality, reasonable care, diligence and accounting” to their clients.¹⁰

To date, the Real Estate Commission has not adopted rules requiring real estate licensees to take any specific, affirmative steps to prevent their services from being used to facilitate fraudulent real estate transactions in the State. It has, however, posted several articles on its website warning licensees of the increased prevalence and sophistication of deed fraud attempts, including seller-impersonation fraud, both nationwide and in Maine. These articles warn licensees “to practice due diligence when contacted by prospective sellers who are not available for in-person meetings.” The articles note due diligence is especially important when the seller quickly accepts an offer below market value and requests a quick closing, including by independently researching the identity of the property owner, requesting an in-person or virtual meeting with the seller and a copy of the seller’s government-issued identification and using trusted title companies and attorneys for closing and exchange of funds instead of allowing the seller to select the notary used at closing.¹¹

Moreover, as a condition of license renewal, real estate licensees must complete 21 hours of continuing education every two years, which provides the opportunity for new and seasoned real estate licensees to learn about emerging issues in the profession, including deed fraud. The Real Estate Commission has the authority to specify the content of up to six core hours of the required continuing education. The remaining required hours must be fulfilled through commission-approved elective programs.¹² Real Estate Commission Director Catherine Pendergast submitted a memorandum to the Deed Fraud Commission explaining that multiple continuing education courses approved by the Real Estate Commission address deed fraud and suggest practices that licensees may adopt to prevent deed fraud:¹³

⁷ 32 M.R.S. §13003.

⁸ 32 M.R.S. §13061.

⁹ 32 M.R.S. §13065.

¹⁰ 32 M.R.S. §13272.

¹¹ The relevant articles, entitled *Scam Alert and Home Security* and *Communication and Fraud Alert* are available on the Real Estate Commission’s website at <https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission/home/news-publications> (last visited Dec. 10, 2025).

¹² 32 M.R.S. §13197.

¹³ Real Estate Commission Director Catherine E. Pendergast’s memorandum and the attached syllabi of the relevant commission-approved continuing education courses addressing deed fraud can be found on pages 131-169 of the combined PDF of the November 5, 2020 meeting materials archived on the Deed Fraud Commission’s website.

- The Real Estate Commission's currently approved continuing education core course includes a one-hour section entitled "Buyer, Seller & Property Identification." This course specifically reviews a variety of detailed steps that a real estate licensee, as part of the licensee's duty of reasonable care and diligence, can take to verify the identity of buyers and sellers and to confirm the details of properties listed for sale. Suggested steps include requesting copies of the seller's photo identification, verifying that the seller's name matches the name on the deed of record, requesting a virtual meeting if the seller is unable to meet in person, and mailing a letter to the address listed in the municipal tax records and requesting that the seller confirm receipt of the letter.
- At least 30 of the elective continuing education courses approved by the Real Estate Commission between April 2024 and September 2025 address, at least in part, topics related to deed fraud. Topics addressed include, for example, fraud and cybercrime in real estate transactions and the importance of adapting real estate practices to address these threats.

Although the Real Estate Commission has not yet received a complaint alleging licensee misconduct involving an instance of deed fraud, commission members were assured by the Real Estate Commission's Director Catherine E. Pendergast that they would investigate any such complaint and impose discipline on any licensee who it determines was either negligent in preventing deed fraud or who actively engaged in deed fraud. Director Pendergast observed that, as a professional licensing board within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, the Real Estate Commission is authorized by 10 M.R.S. §8003(5-A)(A) to impose administrative discipline against a licensee for a variety of reasons. The statute states the following grounds that may be relevant if a licensee fails to take sufficient steps to prevent an incidence of deed fraud:

- Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;
- Any violation of the governing law of an office, board or commission;
- Any violation of the rules of an office, board or commission; and
- Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held.

The Real Estate Commission's enabling statute, 32 M.R.S. § 13067-A, further authorizes it to impose administrative discipline on real estate licensees based on additional potentially relevant grounds set forth in that section of statute as follows:

- Lack of trustworthiness and competence to transact real estate brokerage services in such manner as to safeguard the interests of the public;
- Any act or conduct, whether of the same or different character than specified in this chapter, that constitutes or demonstrates bad faith, incompetency, untrustworthiness or dishonest, fraudulent or improper dealings;
- Performing or attempting to perform any act or acts for which a license may lawfully be denied to any applicant;

- Making any substantial misrepresentation by omission or commission, but not including innocent misrepresentation;
- Failing to act in a reasonably prudent manner in order to protect and promote the interests of the principal with absolute fidelity; and
- Failing to act in a reasonably prudent manner in order to avoid error, exaggeration or concealment of pertinent information.

If a complaint of misconduct against a real estate licensee involving deed fraud leads to administrative discipline under either of these statutes, the Real Estate Commission may issue a warning, censure or reprimand; suspend the professional's license for up to 90 days per violation; impose civil penalties of up to \$2,000 per violation; impose conditions of probation that may include additional required continuing education, mandatory supervision, practice restrictions or other appropriate conditions; and, in severe cases of misconduct, revoke the professional's license. In appropriate instances, the Real Estate Commission would also refer allegations of fraud by a licensee and any allegation of unlicensed real estate practice to the Attorney General's Office for prosecution. (Copies of the two memoranda from Director Pendergast to the Commission are included in Appendix E.)

Identity verification best practices identified by the Maine Association of Realtors

According to its website, the Maine Association of Realtors ("the association") "is Maine's largest professional trade association, representing nearly 6,100 real estate professionals engaged in all aspects of the real estate business."¹⁴ Membership in the association is voluntary and members must agree to adhere to the National Association of Realtor's Code of Ethics and Standards of Practice.¹⁵ Since 2022, the association has made determined efforts to educate real estate licensees about the emerging threat of deed fraud. The association has also identified best practices for the prevention of seller impersonation fraud in the form of weekly newsletters, quarterly magazines, and access to educational programming where topics such as deed fraud are discussed.¹⁶

Acknowledging that there is no state law or rule requiring real estate licensees to take specific steps to verify the identity of the seller of real property, commission member and representative of the Maine Association of Realtors Hannah McMullen, Esq., explained that the association has encouraged its members to employ at least the following best practices to verify a seller's identity:

¹⁴ See MAR, *About MAR* (<https://www.mainerealtors.com/about-mar/>).

¹⁵ The National Association of Realtors' Code of Ethics and Standards of Practice are available at <https://www.nar.realtor/about-nar/governing-documents/the-code-of-ethics> (last visited Dec. 10, 2025). It does not appear that the code and standards currently impose an affirmative duty on members to take any specific action to prevent deed fraud, including by requiring a realtor verify the identity of the seller of real property.

¹⁶ For example, an article published in the Summer 2025 issue of *Maine Realtor*, entitled *Commission Corner: Fraudsters are Stealing Land Out from Under Owners*, can be found on page 15 of the combined PDF of the September 29, 2025 meeting materials that has been archived on the Deed Fraud Commission's website.

- Require the seller to provide a copy of government-issued photo identification and request that the seller engage in a face-to-face interaction (potentially over the Internet) with the real estate licensee before listing the property;
- Use FOREWARN, a risk assessment tool provided by the association at no additional cost to association members that draws public information from multiple sources and can be used to cross-check the identity of the seller. A member may, for example, use FOREWARN to conduct a reverse search of the seller's proffered phone number to check that the number is registered under the correct name. Alternatively, FOREWARN may be used to identify known phone numbers for the property owner, who can then be contacted to ensure that the owner has authorized the sale of the property.
- Verify the identity of the property owner by checking the county registry of deeds and municipal tax records and using that information to send a certified letter to the address of record on the tax bill.
- If there will be a remote closing, ask the title company or closing attorney to select the notary, preventing the seller from selecting a person to perform the notarial acts who may lack proper credentials and be complicit in the fraud.
- Report targeted addresses to the association for future reference by association members who may be contacted by persons impersonating the owners of those properties as part of future fraud attempts and notify law enforcement about suspicious activity.

C. Recording and notarization of instruments affecting title to real property in Maine

Recording of instruments affecting title to real property

In Maine, a document conveying an interest in real property, including a deed of sale, that is recorded in the registry of deeds in the county where the real property is located provides constructive notice of the conveyance to all persons.¹⁷ In other words, a person who takes part in a subsequent transaction involving the property is, by statute, deemed to have knowledge of all documents that have previously been recorded in the registry of deeds affecting title to that property. When a new transaction for the sale of real property is contemplated, a potential buyer or the buyer's title insurance company may perform a title search — *i.e.*, the buyer or title insurance company may examine all instruments related to the real property that have been recorded in the county registry of deeds — to determine who currently owns the property and what liens or encumbrances have been recorded against the property. These documents may be accessed by members of the public not only in-person at the registry of deeds but also through each registry's publicly accessible website.¹⁸ Under current law, county registers of deeds may not redact from a recorded document sensitive information that may be exploited by a perpetrator of deed fraud — including the names, addresses and signatures of the rightful property owners.¹⁹

¹⁷ 33 M.R.S. §201.

¹⁸ Links to the electronic records portals for each of Maine's 16 county registry of deeds on the Maine Registers of Deeds Association's website at <https://www.maineregistryofdeeds.com> (last visited Dec. 10, 2025).

¹⁹ Pursuant to 33 M.R.S. §651-B, an individual may request that certain personal information about the individual that is contained within recorded documents be redacted by the register of deeds from the records made available on

Commission member and York County Register of Deeds Nancy Hammond explained to the Commission that county registers of deeds lack authority to deny the recording of a deed or other instrument conveying an interest in property, which meets certain minimum requirements, that is filed either in writing or electronically. The register must accept and record the instrument if the instrument has been acknowledged before a notary by the grantor or person executing the instrument;²⁰ if the name of each signer is typed or printed on the instrument below each signature; and the instrument is legible for recording and archival purposes,²¹ including by having sufficient margins for notations by the register. No Maine laws grant a register the authority to refuse to record a document when the register suspects that a signature on the instrument was forged or that the transaction memorialized in the instrument has otherwise been tainted by fraud. And, once a deed or other written instrument has been recorded in the registry of deeds, it cannot be removed from the registry and becomes part of any future title search performed on the property.

Accordingly, as is explained in more detail in Part II.D of this report, the recording of a fraudulent deed has a significant, negative impact on a property's marketability and insurability of title.

Notarization of instruments affecting title to real property

Before a deed or other written instrument conveying an interest in real property may be recorded in a county registry of deeds, it must be acknowledged before a notarial officer in accordance with the requirements of the Revised Uniform Law on Notarial Acts (RULONA), which Maine adopted in 2022.^{22, 23} Importantly, when taking an acknowledgment, a notarial officer is required by law to “determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has

the registry’s publicly accessible website. This statute does not authorize the redaction of an individual’s name, address and signature, however, and does not permit redaction of documents accessed in person at the registry.

²⁰ 33 M.R.S. §203. Indeed, under the Revised Uniform Law on Notarial Acts (RULONA), in Title 4, chapter 39 of the Maine Revised Statutes, an acknowledgement is presumptively valid if it is performed in Maine by a notarial officer authorized by Maine law to perform notarial acts, in another state by a notarial officer authorized under the laws of that State, or under the authority of a federally recognized Indian tribe or federal law by a person authorized by the tribe or by federal law to perform notarial acts. 4 M.R.S. §1910, §1911, §1912, §1913.

²¹ 33 M.R.S. §651-A.

²² 33 M.R.S. §203.

²³ In the wake of the COVID-19 pandemic, the 130th Maine Legislature temporarily established procedures for remote notarization and directed the Secretary of State to “develop recommendations for permanently implementing remote and online notarization in this State” with input from a variety of named stakeholder groups. *See* P.L. 2021, ch. 337, available at <https://legislature.maine.gov/billtracker/#Paper/1399?legislature=130>. Secretary of State Shenna Bellows subsequently convened a working group to study issues related to remote and electronic notarization, including “the importance of consumer protections to guard against fraud or exploitation in the development of an electronic notarization process.” In its report, the working group explained that, after reviewing the lessons learned in the 18 states that had already adopted the Uniform Law Commission’s Revised Uniform Law on Notarial Acts (RULONA), the working group ultimately reached a “consensus . . . that adherence as close as possible to RULONA was desirable.” *See* Letter from Secretary Bellows to the Judiciary Committee dated Feb. 10, 2022, a copy of which is available at <https://legislature.maine.gov/doc/8131>. The Legislature subsequently adopted a slightly modified version of RULONA through P.L. 2021, ch. 651, *An Act to Implement the Recommendations of the Secretary of State Regarding Notarial Acts*, available at <https://legislature.maine.gov/doc/8131>.

the identity claimed and that the signature on the record is the signature of the individual.”²⁴ Because many of the primary harms caused by deed fraud derive from the recording of fraudulent instruments, nationwide studies and efforts to combat deed fraud frequently focus on issues surrounding the failure of notaries to properly verify the identity of the person — who may be a perpetrator of deed fraud — who executes the instrument.²⁵ The Commission similarly explored whether current laws governing the notarization of recordable instruments, including the requirements for remote notarization, are sufficient to prevent deed fraud.

Notarial acts may be performed in Maine by a notary public commissioned by the Secretary of State; a justice, judge or clerk of a Maine court; an attorney admitted to the practice of law in the State; or any other individual authorized by law to perform a specific notarial act.²⁶ Under RULONA, each notarial act performed by a notarial officer must be evidenced by a simultaneously executed certificate. This certificate must be signed and dated by the notarial officer, identify the jurisdiction in which the notarial act is performed, contain the title of office and name of the notarial officer and, if the notarial officer is a notary public, indicate the date of expiration of the officer’s commission.²⁷ A notarial officer may, in the presence of the person whose acknowledgment is being taken, take an acknowledgment involving either a tangible or an electronic document. A notarial officer may also take the acknowledgment of a remotely located individual.

In performing these duties, a Maine notary public is not required to keep or use an official stamp.²⁸ Nor is a notarial officer in Maine required to record and maintain details regarding notarial acts in an official journal unless the document being notarized in the presence of the notary is electronic or the notarial acts are performed for remotely located individuals.²⁹ Nevertheless, as commission member Cathy Beaudoin explained, the Department of the Secretary of State highly encourages notaries public to maintain a journal and use an official stamp for all notarizations.

Regardless of whether a notarization is performed in person or remotely, a notarial officer who takes an acknowledgment is statutorily required to determine both (a) that the individual who personally appears before the officer to make the acknowledgment has the identity the individual claims and (b) that the signature on the tangible or electronic record is the signature of that individual. Satisfactory evidence of the identity of an individual may be based on one or more of the following:

²⁴ 4 M.R.S. §1905(1).

²⁵ See the 2024 ALTA Survey, *supra* note 2 (noting that, of the title insurance companies who responded to the survey, 43% reported that the use of fake notary credentials was at least somewhat common in deed fraud; 31% reported that it was at least somewhat common for legitimate notary credentials to be used by a fraudster without the consent of the notary; 26% reported that it was at least somewhat common for the fraudster to fool a notary with fake identification documents; and 22% reported that it was at least somewhat common for the notary to be complicit in the deed fraud). See also the 2025 Survey by the National Association of Realtors, *supra* note 3; and the information provided below in Part II.G of this report.

²⁶ 4 M.R.S. §1910.

²⁷ 4 M.R.S. §1916(1).

²⁸ 4 M.R.S. §1916(2).

²⁹ 4 M.R.S. §1920.

- A notarial officer’s “personal knowledge of the identity of the individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed”;
- A “passport, driver’s license or government issued nondriver identification card; or another form of government identification that contains the signature or a photograph of the individual and is satisfactory to the notarial officer”; or
- “A verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the officer or whom the officer can identify on the basis of a passport, driver’s license or government-issued nondriver identification card.”

When necessary, a notarial authority has statutory authority to require an individual to provide “additional information or identity credentials necessary to assure the officer of the identity of the individual.”³⁰

Remote notarization

In addition to reviewing the general requirements for notarization of documents affecting title to real property, Resolve 2025, chapter 104 directed the Commission to review the specific requirements for conducting remote notarization. This required focus on remote notarization likely reflects legislative concern that deed fraud may be facilitated by the advent of remote notarization processes. However, RULONA imposes additional, detailed requirements on notarial officers who perform notarial acts remotely. To satisfy the requirement that an individual personally appear before the notarial officer, RULONA requires that remote notarizations be conducted using communication technology approved by the Secretary of State that allows the notarial officer and the remotely located individual to communicate with each other simultaneously by sight and sound.³¹ Before a notarial officer may perform a remote notarization, the officer must notify the Secretary of State and identify which approved communication technology provider the notarial officer intends to use. The Secretary of State has, by rule, adopted detailed criteria that communication technology providers demonstrate to obtain approval, including that the communication technology:

- A. Restricts access to notarial officers whose written notice to the Secretary of State of intent to perform remote notarization has been accepted, in accordance with the requirements of this rule;
- B. Requires a password or other secure means of authentication to access the provider’s technology;
- C. Requires a notarial officer to present a valid Maine notary public commission or other evidence of the notarial officer’s qualification to perform notarial acts in order to access or utilize the communication technology to perform remote notarizations;
- D. Includes a method to ensure that a notarial officer enrolled to use the technology has the requisite knowledge to use it to perform notarial acts in compliance with [RULONA] and this rule;

³⁰ 4 M.R.S. §1907.

³¹ 4 M.R.S. §1915(1)(A) and (2).

- E. Enables a notarial officer to verify the identity of the principal and any required witness in compliance with [RULONA] and this rule;
- F. For remote notarization of electronic records, enables a notarial officer to affix their electronic signature to an electronic notarial certificate in a manner that attributes the signature to the notarial officer and is tamper-evident;
- G. For remote notarization of electronic records, enables a notarial officer to attach or logically associate a certificate of notarial act to the electronic record in a tamper-evident manner;
- H. Provides continuous, synchronous audio-visual feeds that allow the remotely located individual and the notarial officer to see and speak to one another simultaneously through live, real time transmission;
- I. Captures images with sufficient resolution to enable analysis of the remote individual's credentials.
- J. Includes at least two (2) of the following methods of identity proofing:
 - (1) A credential that is validated by a government or third party;
 - (2) A biometric identifier, including a retina or iris scan, fingerprint, voiceprint, scan of hand or face geometry, or any other physiological, biological or behavioral characteristic used to identify an individual;
 - (3) A public key certificate; or
 - (4) An identity assessment based on a set of questions formulated from public or private data sources for which the principal has not provided a prior answer;
- K. For remote notarization of electronic records, provides a secure method of document upload and transfer;
- L. Records the audio-visual communication in real time and associates that recording with the notarial officer's electronic record;
- M. Provides reasonable security measures to prevent unauthorized access to:
 - (1) The live communication between the notarial officer and the remotely located individual;
 - (2) The recording of the audio-visual communication;
 - (3) The verification methods and credentials used to verify the identity of the remotely located individual; and
 - (4) Electronic records presented for remote notarization, if applicable;
- N. Is capable of securely creating, storing, accessing and reproducing a copy of an electronic recording of the remote notarial act. and
- O. For remote notarization of electronic records, provides an electronic verification or audit trail of the electronically notarized document that is accessible to all parties involved in a notarial act that is performed remotely.³²

When performing a remote notarization using an approved communication technology, the notarial officer must be able "reasonably to confirm" that the record before the notarial officer is

³² 29-250 C.M.R. ch. 700, §6.

the same record on which the individual executed a signature.³³ The notarial officer must also be able to confirm the identity of the remotely located individual using one of the following methods:

- Similar to an in-person notification, by the notarial officer’s “personal knowledge of the identity of the individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed”;
- By verification “on oath or affirmation of a credible witness” whose identity is verified either (a) if the credible witness appears in person before the notarial officer by the officer’s personal knowledge or on the basis of a passport, driver’s license or government-issued nondriver identification card, as in in-person notarizations; or (b) if the credible witness appears remotely, by using at least two different types of identity proofing (see below); or
- By using at least two different types of identity proofing — the types of identity proofing approved by the Secretary of State are described in paragraph J of the excerpt from the Rules Governing Notaries Public, Notarial Officers, Notarial Acts and The Procedures for Electronic and Remote Notarization quoted above.³⁴

Finally, the communication technology used by the notarial officer to perform a remote notarization must create an audiovisual recording of the notarial act and the notarial officer must record in a journal and retain the following details about the notarization:

- The date and time of the notarial act;
- A description of the record, type of notarial act and the fee, if any, charged by the officer;
- The full name and address of each individual for whom a notarial act is performed; and
- A brief description of the method used to verify the identity of the individual, including the date of issuance and expiration of any identity credential presented.

The audiovisual recording must be maintained for at least 10 years, and the journal that details the act must be maintained for at least 10 years after the performance of the last notarial act memorialized in the journal.³⁵ Given these detailed, heightened requirements for remote notarization as well as the lack of evidence suggesting that the instances of deed fraud previously identified in Maine involved remote notarization performed by a notary adhering to these requirements, the Commission does not recommend that the Legislature amend these requirements at this time.

Oversight of notaries public

Although the Secretary of State does not have direct regulatory authority over notarial officers who are judges, court clerks and licensed attorneys, the Secretary of State may “deny, refuse to renew, revoke, suspend or impose a condition on a notary public commission for any act or

³³ 4 M.R.S. §1915(3)(B).

³⁴ 4 M.R.S. §1915(3)(A); 29-250 C.M.R. ch. 700, §6.

³⁵ 4 M.R.S. §1915(3)(C), §1915(11), and §1920.

omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act a notary public. By law, such acts and omissions include, among other things, “a finding against, or admission of liability … in any legal proceeding or disciplinary action based on the applicant’s or notary public’s fraud, dishonesty or deceit” and a “failure of the notary public to discharge any duty” imposed on the notary public by statute or by rule. Further, under rules adopted by the Secretary of State, a notary public is subject to administrative discipline whenever the notary public commits “an act of fraud, deceit or dishonesty.”³⁶ These rules appear to provide sufficient authority for the Secretary of State to impose discipline on notaries public who are complicit in acts of deed fraud.

D. Existing civil remedies available to victims of deed fraud in Maine³⁷

Commission member Carrie Cote, Esq. explained that the existing civil remedies available to victims of deed fraud can be both time-intensive and expensive to pursue. Although a deed claiming to transfer an owner’s interest in real property is generally considered void if the seller’s signature was forged on the deed,³⁸ the facts that the signature was forged and that the deed has no legal effect may not be readily apparent to future buyers during a title search. The recorded fraudulent deed thus creates a “cloud” on the title that may harm both future buyers and the rightful owner of the property. On the one hand, a future buyer and any lender who is financing the buyer’s purchase of the property might incorrectly rely on the recorded, forged deed as evidence that the person purporting to sell the property owns the property. On the other hand, the rightful owner of the property may have difficulty selling or mortgaging the property because the recorded, forged deed incorrectly suggests that the rightful owner no longer holds an interest in the property.

In several of the known instances where seller impersonation fraud has occurred or has been attempted in Maine, the Commission learned that the “rightful owner” of the property attempted to clarify title to the property by recording an affidavit in the registry of deeds, swearing that they did not sign and had no knowledge of the fraudulent deed.³⁹ Commission members generally agree that, although such an affidavit may provide notice to subsequent purchasers of a dispute regarding ownership of the property, the affidavit does not legally affect title to the property. Put differently, the affidavit does not clarify whether title to the property was validly transferred through the challenged deed or instead remains with the rightful owner who executed the affidavit.

³⁶ 4 M.R.S. §1924; 29-250 C.M.R. ch. 700, §4(A).

³⁷ Copies of the materials provided by commission member and title attorney Carrie Cote, Esq., describing these existing civil remedies and the protections afforded by different forms of title insurance are included in Appendix F.

³⁸ See, e.g., *Martel v. Bearce*, 311 A.2d 540, 543 (Me. 1973) (recognizing in dicta that “title depending on the ostensibly correct execution of a warranty deed” would be “destroyed by proof of forgery”).

³⁹ Commission member and York County Register of Deeds Nancy Hammond provided documentation from the Registry of Deeds related to four examples of deed fraud or attempted deed fraud in York County. In several of these examples, the rightful owner of the property, or the owner’s attorney, responded to the deed fraud attempt by recording an affidavit stating that a prior recorded deed had been forged. These documents were distributed at the October 20 commission meeting and are available online at: <https://legislature.maine.gov/doc/12051> (pages 38-95).

Cost of declaratory judgment actions

To clarify ownership of the property after a fraudulent deed has been recorded, generally the rightful owner must bring a declaratory judgment action seeking a court order declaring that a particular deed is fraudulent and therefore void.⁴⁰ To initiate the action, the rightful owner must file a complaint with the court and pay the required filing fee of \$175.⁴¹ The rightful owner must then ensure that each of the necessary parties to the action, including any purported buyer of the property under the challenged deed, receives personal service of the complaint as required by the Maine Rules of Civil Procedure. The costs for personal service can range from \$40 to \$75 if effectuated by a county sheriff but may be increased if the sheriff is unable to locate the other party or other forms of service are employed.⁴² Ultimately, if the rightful owner satisfies the burden of proving to the court that the deed was forged or otherwise fraudulent, the court will enter an order stating that the deed is void and of no legal effect.⁴³ Upon payment of a \$40 filing fee, this court order may then be recorded in the registry of deeds, effectively removing any cloud on the rightful owner's title caused by the fraudulent deed.

Although they have no personal knowledge of any past Maine declaratory judgment actions involving deed fraud, members of the Real Estate and Title Section of the Maine State Bar Association estimate that it may take three to six months from the date an action is filed to resolve this type of case in Maine. It may take even longer to obtain a judgement in a court with a particularly congested docket or in a case where another party appears and contests the action. It is possible, however, that the process may be expedited if the rightful owner successfully files a motion for an expedited hearing in cases where there is a risk of immediate and irreparable damage — for example, if the fraudulently transferred property is the subject of an imminent sale.⁴⁴

Because Maine attorneys generally charge between \$200 and \$600 per hour, depending on their experience and expertise, members of the Real Estate and Title Section of the Maine State Bar Association estimate that it may cost the rightful owner a few thousand dollars in attorney's fees to pursue a simple, uncontested declaratory judgment action. If the case is contested or complex,

⁴⁰ 14 M.R.S. §5954 ("Any person interested under a deed ... or other writings constituting a contract or whose rights, status or other legal relations are affected by a ... contract ... may have determined any question of construction or validity arising under the instrument ... and obtain a declaration of rights, status or other legal relations thereunder."); *see, e.g.*, *Colquhoun v. Webber*, 684 A.2d 405, 411 ("An action for declaratory judgment is appropriate for the determination of the validity ... of a deed" (citations omitted)).

⁴¹ *See* Maine Supreme Judicial Court, Administrative Order JB-05-26 (A. 10-25), available at <https://www.courts.maine.gov/adminorders/jb-05-26.pdf>. Additional filing fees may be imposed if the plaintiff files certain motions during the proceeding.

⁴² If seller impersonation fraud occurred, it is unlikely that the alleged perpetrator, who does not purport to have any legal interest in the property, would be served with a copy of the complaint or be a party to the proceeding.

⁴³ *See Colquhoun*, 684 A.2d at 411-12 (noting, in a declaratory judgment proceeding, that the trial court properly entered an order declaring a specific deed and all deeds based upon that deed "void ... and of no effect, legal equitable or otherwise" and directing the county registrar both to record the court's judgment in the registry and to mark each page of the void deeds as "NULL AND VOID").

⁴⁴ *See, e.g.*, M.R.C.P. 57 (recognizing court discretion to grant expedited relief in declaratory judgment actions).

perhaps involving an innocent buyer, the rightful owner's attorney's fees may be as high as \$10,000 to \$20,000. An innocent buyer who contests a declaratory judgment action may incur similar attorney's fees cost and, if unsuccessful, may be declared not to hold title to the property without recovering the funds expended to purchase and make improvements to the property.

Potential title insurance coverage

The Commission learned that title insurance provides some, but not complete, financial protection for victims of deed fraud who elect to purchase a title insurance policy when they purchase real property. Title insurance is not required. Most lenders require buyers who use financing to purchase a property to obtain title insurance protecting the lender's interest in the property as part of the mortgage application process. A buyer may also elect to purchase an owner's title insurance policy to protect their own interest in the property. As commission member Carrie Cote, Esq. explained during the first meeting of the Commission, the two most common types of owner title insurance issued in Maine provide different levels of protection from deed fraud both for the rightful owner of the property and for an innocent buyer:

1. *Standard title insurance policies* are commonly issued to protect the buyer's interest in commercial property or unimproved (land-only) residential property. These policies generally protect an insured buyer from loss or damage sustained due to "forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation" occurring *before* the policy was issued. Standard policies do not protect an insured buyer from defects in title that arise during their ownership of the property *after* the policy was issued, including losses or damage related to subsequently recorded fraudulent deeds.
2. *Enhanced title insurance policies* are commonly issued to protect a buyer's interest in residential real property. These policies generally protect an insured buyer from any loss or damage due to "forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation" both that occur before the policy was issued *and* that occur during their ownership of the property after the policy was issued.

When an insured files a covered claim with a title insurance company, the company may, in its discretion, elect to satisfy its obligation in one of several ways, including by taking steps to affirmatively fix a title defect, including by negotiating and recording a resolution of the title dispute with all affected parties; by bringing a declaratory judgment action to clear the insured's title to the property; or by paying the insured the amount of the loss up to the full amount of the policy, which is usually tied to the amount the insured paid to purchase the property. The examples in Table 1 illustrate the degree to which these common forms of title insurance in Maine protect both rightful owners and innocent buyers from deed fraud.

Table 1: Title Insurance Remedies for Deed Fraud

Example 1: Standard Title Insurance	
Facts:	Outcome:
In 2024, Owner purchased unimproved (land-only) property for \$100,000,	❖ Although Owner remains the rightful owner of the property, the fraudulent 2025 deed creates a cloud on Owner's title. Owner's standard title insurance policy

<p>secured by a standard title insurance policy.</p> <p>In 2025, a person impersonating Owner fraudulently executed and recorded a warranty deed selling the property to Buyer for \$120,000. When Buyer purchased the land, Buyer also purchased a standard title insurance policy.</p>	<p>does not cover any losses or damages arising from fraud occurring after the policy was issued in 2024. Owner thus must cover the expense of taking action to clarify title to the property.</p> <ul style="list-style-type: none"> ❖ When Buyer discovers that the 2025 deed was fraudulent and did not validly transfer the property, Buyer may file a claim under Buyer's standard title insurance policy. Buyer is likely entitled to payment of the full policy amount, which would generally be set at Buyer's purchase price of \$120,000. That amount may be adjusted for inflation over time, depending on the terms of the policy. The insurance company likely is not required to compensate Buyer for any improvements Buyer made to the property, however.
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Example 2: Enhanced Title Insurance

Facts:

In 2024, Owner purchased residential real property for \$400,000, secured by an enhanced title insurance policy.

In 2025, a person impersonating Owner fraudulently executed and recorded a warranty deed selling the property to Buyer for \$500,000. When Buyer purchased the land, Buyer also purchased enhanced title insurance policy.

Outcome:

- ❖ Although Owner remains the rightful owner of the property, the fraudulent 2025 deed creates a cloud on Owner's title. Owner may file a claim under Owner's enhanced title insurance policy. The insurance company may take steps to fix the title defect — *i.e.*, bring a declaratory judgment action to confirm Owner's title or defend Owner in a similar lawsuit brought by Buyer. Or, it may choose to pay Owner up to the full policy amount, likely the \$400,000 purchase price Owner paid in 2024, potentially adjusted for inflation depending on the terms of the policy. The insurance company likely is not required to compensate Owner for improvements made to the property.

- ❖ When Buyer discovers that the 2025 deed was fraudulent and did not validly transfer the property, Buyer is likely entitled to payment of the full policy amount, which would generally be set at Buyer's purchase price of \$500,000. That amount may be adjusted for inflation over time, depending on the terms of the policy. The insurance company likely is not required to compensate Buyer for any improvements Buyer made to the property, however.

E. Existing criminal penalties potentially applicable to perpetrators of deed fraud in Maine

During the 131st Legislature, the Judiciary Committee considered a bill, LD 2240, *An Act to Implement Protections Against Deed Fraud*, which proposed to create a new Class B crime

involving the recording of a fraudulent instrument with a register of deeds.⁴⁵ During the public hearing on LD 2240, the Maine Association of Criminal Defense Lawyers (MACDL) and the Criminal Law Advisory Commission (CLAC) submitted testimony opposing the creation of a new deed fraud offense. MACDL and CLAC identified several existing crimes within the Maine Criminal Code that they believe are potentially applicable to perpetrators of deed fraud, including falsely filing a recordable instrument, aggravated forgery and theft by deception. (A memorandum detailing the elements of and penalties applicable to these crimes as well as several additional crimes referenced in MACDL’s and CLAC’s testimony — suppressing a recordable instrument, unsworn falsification, and false swearing — is included in Appendix G.)

Crimes related to the creation and recording of fraudulent deeds

As the Commission learned in the course of its work this year, deed fraud often involves the creation and recording of a deed containing the forged signature of the property owner; in some cases, the required acknowledgment of that signature may have been performed by a person using either false notary credentials or legitimate notary credentials without the consent of the notary.⁴⁶ If deed fraud is performed in this manner, the perpetrators of the fraud are likely subject to prosecution for falsely filing a recordable instrument. A person is guilty of this crime if, “with intent to defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage, security instrument or other writing for which the law provides public recording, knowing or believing the writing to be false or without legal authority.” Falsely filing a recordable instrument is a Class D crime punishable up to 364 days of imprisonment and a maximum fine of \$2,000.⁴⁷

By forging a signature on a deed or other written instrument that may be recorded in a county registry of deeds, a perpetrator is likely subject to prosecution for the crime of aggravated forgery. A person is guilty of aggravated forgery if, “with intent to defraud or deceive another person or government, [the person] falsely makes, completes, endorses or alters a written instrument, or knowingly utters or possesses such an instrument,” including “an instrument filed or required or authorized by law to be filed in or with a public office or public employee.” Aggravated forgery is a Class B crime punishable by up to 10 years of imprisonment and a maximum fine of \$20,000.⁴⁸

Although not identified by MACDL or CLAC in their testimony on LD 2240, it is also possible that a perpetrator who creates or possesses fake notary credentials in furtherance of a deed fraud scheme might also be charged with possession of forgery devices. A person is guilty of possession of forgery devices if the person “makes or possesses with knowledge of its character, any plate, die or other device, apparatus, equipment or article specifically designed or adapted

⁴⁵ Information about LD 2240, including the text of the original bill, copies of testimony submitted at the public hearing, and the text of the Judiciary Committee’s unanimous amendment to the bill, has been archived on the Maine Legislature’s website at <https://legislature.maine.gov/billtracker/#Paper/SP0960?legislature=131>.

⁴⁶ See 2024 ALTA Survey, *supra* note 25.

⁴⁷ 17-A M.R.S. §706-A (falsely filing a recordable instrument). The penalties applicable to each of the crimes identified in this section are set forth in 17-A M.R.S. §1604 and §1704.

⁴⁸ 17-A M.R.S. §702.

for use in committing aggravated forgery or forgery.” Possession of forgery devices is a Class E crime punishable by up to 6 months of imprisonment and a maximum fine of \$1,000.⁴⁹

Although deed fraud may sometimes be perpetrated by a person who does not intend to possess the underlying real property, the perpetrator may also be guilty of theft by deception with respect to the proceeds of the fraudulent sale of that property to an innocent buyer. A person is guilty of theft by deception if “the person obtains or exercises control over property of another as a result of deception and with intent to deprive the other person of the property.” For purposes of this crime, “deception” can occur in several ways, including if the person “creates or reinforces an impression that is false and does not believe to be true”; for example, that the person owns the real property being sold. The punishments applicable to this crime depend on the value of the property. If the value of the property is:

- More than \$500 but not more than \$1,000, theft by deception is a Class D crime punishable up to 364 days of imprisonment and a maximum fine of \$2,000;
- More than \$1,000 but not more than \$10,000, theft by deception is a Class C crime punishable by up to 5 years of imprisonment and a maximum fine of \$5,000; or
- More than \$10,000, theft by deception is a Class B crime punishable by up to 10 years of imprisonment and a maximum fine of \$20,000.⁵⁰

In light of the variety of existing crimes applicable to deed fraud under current Maine law, the commission reached a consensus that it is not necessary to enact new criminal statutes on this topic.

F. Educational materials available to professionals and members of the public

Resolve 2025, chapter 104 also directed the Commission to “gather and review any educational materials regarding the prevention of deed fraud that are currently available to property owners, real estate brokerage agencies, title insurance companies, real estate attorneys and other professionals involved in the sale of real property.” To this end, commission members — who represent a cross-section of relevant stakeholders including real estate brokerages agencies, title insurance companies, real estate attorneys and other professionals involved in the sale of real property including registers of deeds — were asked to gather relevant educational materials for review at the third commission meeting. The educational materials identified by commission members, which are described in Table 2, have been designed to target a variety of different audiences, including both consumers and various licensed real estate professionals.

⁴⁹ 17-A M.R.S. §704.

⁵⁰ 17-A M.R.S. §354.

Table 2: Deed Fraud Educational Materials Identified by Commission Members⁵¹

Target Audience	Educational Materials
Multiple audiences	<ul style="list-style-type: none"> “What is Deed Fraud?” published by AARP, ALTA, Mortgage Bankers Association, the National Association of Realtors, National Notary Association and Property Records Industry Association.
Consumers	<ul style="list-style-type: none"> “Combating Seller Impersonation Fraud & Benefits of ALTA’s Homeowner’s Policy of Title Insurance” and “Be a Savvy Consumer & Protect Yourself from Seller Impersonation,” ALTA fraud alerts; “How ALTA Safeguards Homeowners: Fighting Seller Impersonation Fraud with Title Insurance,” published by ALTA; and “Fraud Awareness & Alerts,” a draft educational pamphlet currently being developed by the Maine Registry of Deeds Association.
Real estate licensees and other real estate professionals	<ul style="list-style-type: none"> “Red Flags and Best Practices,” published by Maine Listings; “Seller Impersonation Fraud in Real Estate,” published by ALTA; Several articles written by the Real Estate Commission and published in Realtor Magazine, including: “Fraud/Scam Alert” (August 2023); “Scam Alert” (November 2023); “Due Diligence” (February 2024); “Fraudsters are Stealing Land Out from Under Owners” (May 2025); and The Real Estate Commission’s Core Continuing Education Course for real estate licensees as well as a number of approved elective continuing education courses for real estate licensees.
Notaries public	<ul style="list-style-type: none"> “Tips for Checking State Identification Cards During an In-Person Notarization,” published by ALTA and the National Notary Association.

As Table 2 demonstrates, many resources have been created by the various organizations alerting real estate professionals to the issue of deed fraud and proposing best practices these professionals can employ to prevent deed fraud from occurring. According to commission members who work in the industry, these educational materials have been effectively disseminated to many real estate professionals.

It is less clear to commission members that efforts to disseminate educational materials designed to provide consumers across the State with information on deed fraud have been effective. For example, commission member and York County Register of Deeds Nancy Hammond explained that she has received multiple inquiries from property owners about deed fraud, including how to avoid becoming a victim and what steps a property owner should take if their property has been targeted. To fill this need, Register Hammond is currently working with the Maine Registry of Deeds Association to prepare a pamphlet on deed fraud that they plan to make available at county registries of deeds. The topics covered the draft “Fraud Awareness and Alert” pamphlet Register Hammond shared with the Commission include the types of property that are subject to a higher risk of deed fraud, how a property owner may sign up to receive free electronic alerts

⁵¹ Copies of these educational materials can be found on pages 117-199 of the combined PDF of the November 5, 2025, meeting materials that has been archived on the commission’s website. In addition, a list of the websites through which many of these materials may be accessed is included in Appendix H.

when instruments affecting title to their property are recorded in the registry of deeds and what a property owner can do if they suspect their property has been targeted.

G. Recent approaches to combatting deed fraud in other jurisdictions

Examples of recent legislation in other states

In recent years, states across the country have taken a variety of approaches to combat and remedy deed fraud, particularly seller impersonation fraud. During its second meeting on October 20, 2025, the Commission reviewed examples of recent legislation enacted in Georgia, Illinois, Michigan, New York and Texas designed to prevent or to improve the remedies for deed fraud at a variety of points along the property transfer process, including by:

- *Notaries public*: strengthening the steps a notary must take to verify the identity of an individual whose signature is the subject of a notarial act, including by requiring the use of government-issued photo identification in situations where the individual is not personally known to the notary; requiring training for notaries in states where training had not previously been required; and requiring notaries to maintain journals with specific information for certain notarial acts, including specific identifying information for the individuals whose signatures were verified by the notary;
- *Recording of documents*: requiring certain types of individuals to file documents for recording electronically, through a process requiring identity verification and maintenance of the filer's identity documentation for future use by law enforcement if fraud is subsequently detected;
- *Recorder authority to flag or reject suspicious documents*: requiring recording clerks or registers to examine documents and instruments affecting an interest in real property for certain characteristics suggesting potential deed fraud. The recording clerk or register is then authorized to flag these recorded documents within the official registry and report the potential crime to local prosecutors and law enforcement or, in at least one state, to refuse to record the document if certain indicia of fraud exist;
- *Expedited civil remedies*: establishing expedited court processes or hearings before administrative law judges through which the true property owner may obtain a judgment declaring that a particular recorded document is fraudulent. The owner may then record the judgment in the recording office and the recorded judgment may be relied upon by title insurers and future purchasers. In at least one state, an expedited action to obtain a judgment declaring a specific instrument void may be brought by law enforcement after an individual has been convicted of a crime related to the instrument;
- *Enhanced criminal penalties*: requiring recording officials to notify law enforcement of suspicious filings; establishing new felony offenses specific to the recording of any conveyance in real estate intended to deceive any person regarding the veracity of the document or with the intent to defraud the owner of the real property; and establishing presumptions that instruments associated with certain criminal convictions are fraudulent; and

- *Stay of other proceedings*: requiring courts to stay actions to recover possession of residential property — including eviction and foreclosure actions — or to quiet title to residential property: during the pendency of a deed fraud investigation or proceeding. Under these laws, the affected court actions may be stayed pending the outcome of a good faith federal, state or local criminal investigation into theft or fraud in the title to or financing of a particular property; while a party to the transaction is subject to a pending charge of deed theft, a related crime, or a related civil action brought by a federal, state or local government agency; or for a specified period of time during which a party may file a court complaint regarding ownership of the property.

(A copy of a staff handout summarizing examples of recently enacted deed fraud legislation in other states is included in Appendix I.⁵²)

While some states have already adopted legislation directly establishing processes to prevent or to remedy the effects of deed fraud, several other states have directed further study of this issue. Like the Maine Legislature, the Tennessee General Assembly⁵³ and the Virginia Assembly⁵⁴ have each enacted legislation directing formal studies of the prevalence of deed fraud in their states and the development of recommendations for legislative action to prevent and remedy the effects of deed fraud. Although the report of the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) has not yet been finalized, the Commission reviewed a draft version of the report, which provides a wealth of information on the variety of laws that have been adopted across the country to address seller impersonation fraud.⁵⁵

The Commission also reviewed the final report of the Virginia Housing Deed Fraud Technical Advisory Group, which was submitted to the Virginia Assembly on November 1, 2025. The technical advisory group proposed 25 distinct recommendations to the Virginia Assembly, some of which were unanimous and others of which were opposed by technical advisory group members representing specific industries. These recommendations addressed a broad array of topics, including the following:

- *Identity verification*: enhancing notary identity verification processes and requiring real estate agents and settlement agents independently to verify a property seller's identity during certain types of transactions;
- *Fraud detection, alerts, and reporting*: requiring the use of fraud identification services by real estate agents; requiring the reporting of stolen notary credentials; providing trainings for clerks of court who accept documents for recording in Virginia; authorizing or requiring

⁵² A wealth of information on other states' laws is also included in a September 18, 2024, draft report entitled "Protecting Tennesseans from Real Estate Fraud" prepared by staff of the Tennessee Advisory Commission on Intergovernmental Relations, which is available at <https://www.tn.gov/tacir/commission-meetings/2025-commission-meetings/september-2025.html>.

⁵³ See Tennessee Public Chapter No. 941, Acts of 2024 (Senate Bill 2448), available at <https://publications.tnsosfiles.com/acts/113/pub/pc0941.pdf>.

⁵⁴ See 2025 Va. Acts, ch. 271 (H 2396), available at <https://lis.blob.core.windows.net/files/1072698.PDF>.

⁵⁵ The Commission reviewed the September 18, 2024, draft report of the Tennessee Advisory Commission on Intergovernmental Relations (TACIR). *See supra* note 52. Although it has not yet been finally adopted by TACIR, the draft report provides a wealth of information on the variety of laws across the country regulating the activities of notaries public as well as the variety of state laws governing the recording of documents affecting title to real property and recording official's authority to lay or reject certain suspicious documents submitted for recording.

clerks to reject documents for recording if the notary's seal or commission number is invalid; and establishing both a free property owner alert system and a system to alert notaries when their credentials appear on a document submitted for recording;

- *Access and security of land records*: offering a property title "freeze" system; limiting electronic recording of documents to known filers; limiting access to signatures, notary information or other sensitive information on recorded documents; and requiring a taxing authority to note the date that any property owner change of address forms have been filed;
- *Training, education and professional standards*: offering consumer training; requiring initial and continuing professional training for real estate agents, notaries and settlement agents; requiring notaries to purchase security bonds and to keep a journal of all notarial acts; and expanding civil liability for notary misconduct to employers, including title companies;
- *Criminal enforcement*: making deed fraud — broadly defined to include fraudulent recording, forging of documents or signatures, notary fraud, owner or seller impersonation, deceptive conveyances and fraudulent lien filing — a separate felony-level offense with enhanced penalties for repeat offenders and permitting prosecution of deed fraud crimes either in the place where the property is located or the place where the rightful owner resides; and
- *Victim remedies*: creating expedited court proceeding for title restoration with a streamlined process and standardized court forms or, in the alternative, establishing an administrative procedure to correct property records in cases of deed fraud; establishing a minimum statutory damages award and requiring an award of reasonable attorney's fees, including expert witness fees, to prevailing plaintiffs in civil actions involving deed fraud; and waiving the payment of recording fees and transfer taxes when a property owner records a corrective deed after an incident of deed fraud.

Uniform Law Commission

At the first meeting on September 29, 2025, J. Cliff McKinney, Esq., a member of the Uniform Law Commission (ULC), explained that the ULC is currently in the process of deciding whether to adopt a uniform law or a model law related to deed fraud. The Uniform Law Commission (ULC), established in 1892, is a nonprofit unincorporated association comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico and the U.S. Virgin Islands. These state commissions work together as the ULC to identify areas of law that would benefit from uniformity among states and to draft and propose both uniform laws and model laws in identified areas where uniformity would be desirable. When the ULC believes that it is important to "establish the same law on a subject among various jurisdictions" it drafts a "uniform act" that individual states may then consider adopting. By contrast, if the ULC believes that uniformity is a desirable objective but that the purposes of uniformity can be substantially achieved without complete adoption in every state, the ULC proposes a "model act" that individual states may then consider for adoption in whole or in part.⁵⁶

⁵⁶ Additional information about the Uniform Law Commission, Uniform Laws and Model Laws is available on the ULC's website at <https://www.uniformlaws.org/home> (select "About ULC" or "Acts" and then "Overview").

In January 2025, the ULC authorized formation of a Deed Fraud Study Committee to research and examine the issue of deed fraud and decide whether to recommend that the ULC draft an act to address this issue. The study committee was chaired by J. Cliff McKinney, Esq., ULC Commissioner and experienced real estate attorney in Arkansas, and staffed by ULC Reporter Julie Forrester Rogers, a professor specializing in property, real estate transactions and land use law at the SMU Dedman School of Law. Members of the study committee agreed that deed fraud “is a growing concern across the United States, with deed fraud becoming more common as real property records have become available online.” As attorney McKinney explained, the study committee learned that perpetrators of deed fraud glean important information about the characteristics of properties from a variety of online records, using artificial intelligence to identify target properties with desirable characteristics—for example, target properties that are unimproved or, if improved, not owner-occupied, and that are not subject to a mortgage or other encumbrances. Perpetrators of deed fraud then utilize online publicly accessible information from registries of deeds or recording offices to access sensitive property owner information, including names, addresses, personally identifying information, signatures and notary credential information, that they use to create forged and fraudulent deeds.

On September 29, 2025, the ULC Deed Fraud Study Committee approved issuing a final report recommending creation of a uniform law addressing deed fraud.⁵⁷ The final report explains that, after reviewing a variety of legislative actions taken by other states and evaluating these and other possible statutory approaches, the ULC’s Deed Fraud Study Committee ultimately concluded that there is no one legislative solution that will effectively eliminate deed fraud across the country. Instead, the study committee believes that the ULC should propose a uniform or model act that includes several options — a “toolbox” of approaches — that states may choose to adopt in whole or in part to ameliorate this problem. The study committee’s description of the toolbox of recommendations, along with concerns the study committee highlighted with respect to each of these recommendations, is set forth in Table 3.

Table 3: ULC Deed Fraud Study Committee’s Toolbox of Recommendations⁵⁸

1. Known Filer System for Recorded Documents

“A known filer system would allow parties who regularly record documents, such as attorneys, title agents, and financial institutions, to register with the state or county to receive a unique identifier. These known filers could submit documents electronically or in person with dual authentication. The state or county would maintain a secure database of known filers and would be updated regularly. Annual renewal of known filer status would insure continued eligibility.

Filers without a known filer number would be required to appear in person with valid government-issued identification. Additional confirmation of identity for in-person filers could be required.”

Concern noted by ULC Study Committee:

⁵⁷ Attorney McKinney presented a draft of the ULC Deed Fraud Study Committee’s report to the commission on September 29, 2025. He subsequently informed the Commission that the study committee formally approved this draft report later in the day on September 29, 2025. A copy of the draft report is included in Appendix J.

⁵⁸ The language of each recommendation and of the concerns associated with each recommendation is directly quoted from the text of the ULC Deed Fraud Study Committee’s September 29, 2025, draft report. *See* *supra* note 57.

- “Fraudsters who forge deeds may also have false identity documentation.”

2. Electronic Notification System for Landowners

“Property owners would voluntarily register their contact information with the county recorder, or without a registration requirement, the county recorder would send notice to an address or email already known to the county recorder (such as the address for property tax bills). Notifications could include a link to the recorded document for review. Owners could then report unauthorized filings to the recorder’s office or to law enforcement for expedited investigation. Recorders may be able to use existing government communication platforms to minimize costs. For a voluntary system, public awareness campaigns could encourage homeowners to register for notifications.”

Concerns noted by ULC Study Committee:

- “If registration is required, those most in need of the service are unlikely to register for notification.”
- “Notification occurs after the fact, with the fraudulent document already recorded.”

3. Property Title Freeze

“Property owners may request a title freeze through the county recorder’s office, either in person or through a secure online portal. The freeze would prevent voluntary transfers but would still allow involuntary liens (e.g., tax liens, mechanics’ liens, or judgments) to attach. Transfers could be authorized by the owner using multi-factor authentication or in-person verification. A simple online form or in-person request system could facilitate freezes with minimal delay. The system must consider transfers that would not be authorized by the owner such as probate, inheritance, foreclosure, or other court-ordered sales. The system would also need to consider other types of involuntary filings or notices, such as a lis pendens. Title insurers and lienholders could be notified of any title freezes.”

Concerns noted by ULC Study Committee:

- “Fraudster may be able to unlock title.”
- “Those most in need of the service may not take advantage of it.”
- “Must have a mechanism for unlocking title after the death of the owner.”

4. Recorder Discretion to Flag Suspicious Filings

“Recorders would be able to flag a filing when fraud indicators are present (e.g., suspicious notarization, grantor discrepancy, known sovereign citizen filer). This could be implemented in connection with a requirement for additional identity verification or property owner confirmation before recording.

A standardized review process would be implemented to determine the validity of a flagged document. Flagging would not disrupt priority of a recorded document if it is later determined to be valid but would give notice that the document is flagged as suspicious.

Recorders could be provided with guidelines to help distinguish between legitimate and fraudulent transactions, and recorders who act in good faith must have protection against liability for incorrectly flagging a document.”

Concerns noted by ULC Study Committee:

- “Recorders may not want this discretion and may be hesitant to flag transactions.”

- “Legitimate transactions may be incorrectly flagged.”

5. Expedited Quiet Title Action for Fraud Victims

“Victims of deed fraud would have a streamlined process for expedited quiet title actions. They would have the burden of proof to establish fraud by clear and convincing evidence. Title insurers and affected lenders could participate in the expedited process.”

Concerns noted by ULC Study Committee:

- “Resolving title disputes may be complex litigation.”
- “Courts are already busy with important matters—why should these disputes receive special attention?”
- “An expedited process may not be appropriate for family disputes.”

6. Electronic Notification System for Notaries

“The county recorder would send notice to the notary when a document is filed. Notaries will be required to keep their contact information updated. The notification can include a link to the recorded document for review. Notaries will report unauthorized filings to the recorder’s office and law enforcement for expedited investigation.”

Concern noted by ULC Study Committee:

- “Notification occurs after the fact, with the fraudulent document already recorded.”

7. Dual Authentication for Notarial Acts

“Before completing an acknowledgement, a notary would be required to go online to get a transaction specific bar code which goes on the document. The recorder must authenticate the bar code before recording the document.”

Concerns noted by ULC Study Committee:

- “Party who impersonates a notary might gain access to the notary’s account for getting the bar code.”
- “Notaries and county recorders may resist the extra step.”

Ultimately, if the full ULC agrees with the recommendations of its Deed Fraud Study Committee, it will appoint a separate committee to draft the text of a proposed uniform or model law over the next couple of years. During the drafting process, input from numerous stakeholders and legal experts across the country will be solicited. If draft legislation is finally adopted by the ULC, the text of the uniform or model law will be made available for consideration and adoption by states across the country, including Maine, on the ULC’s website.

III. FINDINGS AND RECOMMENDATIONS

After lengthy and thoughtful discussions, the members of the Commission in attendance at the fourth commission meeting voted, either unanimously or by majority vote, in favor of the following findings and recommendations.⁵⁹

⁵⁹ Commission members Representative Lavigne and Lieutenant Richards were unable to attend the fourth meeting and did not participate in voting on the findings and recommendations.

A. Findings

1. Deed fraud, particularly seller impersonation fraud, is a growing problem nationwide and an emerging issue in the State of Maine. (Vote: 11-0)

While quantitative data regarding deed fraud is limited, particularly at the state level, national surveys of professionals involved in real estate transactions, self-reports of real estate fraud to the Federal Bureau of Investigation and anecdotal evidence in Maine suggest that incidents of deed fraud have been increasing in recent years. Seller impersonation fraud, which was described in the Commission's legislation as occurring "when a person sells real property by falsely claiming to be the property owner and records a deed of the fraudulently induced sale in the registry of deeds, [attempting to deprive] the rightful owner of a significant asset without the owner's knowledge," is the most commonly reported type of deed fraud.

2. In part because there is no uniform process for collecting statewide data on seller impersonation fraud, there is a lack of concrete data regarding the incidence of both attempted and successful instances of this fraud in Maine, the facts underlying each incident, and how each incident was discovered. (Vote: 11-0)

When deed fraud occurs, victims may choose to report the incident to local law enforcement for investigation. Victims also have the option of reporting the incident to the Federal Bureau of Investigation's Internet Crime Complaint Center (C3). In addition, real estate licensees who are members of the Maine Association of Realtors may, if they become aware of an incident, elect to notify the association that the specific property involved has been a target of deed fraud. Yet, there is currently no statewide entity that is required to receive reports of or to affirmatively collect information on attempted or successful instances of seller impersonation fraud. As a result, the State lacks concrete data on which it can rely to determine the relative incidence of this criminal activity in the state, the characteristics of properties targeted by perpetrators of deed fraud and what aspects of the property transaction process in the State may need to be buttressed because they are the most commonly exploited by perpetrators of deed fraud.

3. Although limited, the information available demonstrates that seller impersonation fraud is generally accompanied by one or more "red flags," which include, but are not limited to, the following:

- The transaction involves unimproved, vacant land and/or unencumbered property;**
- The seller resides in a different state than the property;**
- the seller will only communicate by electronic means;**
- The seller requests the use of a notary not known to the real estate professionals involved in the transaction;**
- the seller pushes for a quick sale of the property;**
- The property is offered for sale below its market value; and**
- The transaction is conducted on a cash-only basis. (Vote: 11-0)**

Based on limited data available on deed fraud nationwide, it appears that perpetrators of deed fraud most often target specific types of properties, including unimproved and unencumbered

properties. In addition, to successfully impersonate the true property owner, perpetrators often refuse to meet with real estate professionals in person or via telephone, select unknown and often unauthorized “notaries” who will not scrutinize their identification paperwork, attempt to rush property sale, agree to “sell” the property at below market value and tend to accept offers that involve only cash and not the scrutiny of a purchase-money lender. While these “red flags” should be understood by real estate professionals involved in property transactions, the Commission cautions that this list is not exhaustive and is likely to change as perpetrators of seller impersonation fraud evolve their practices in an attempt to subvert the law.

4. Due to the difficulties of locating and holding responsible the perpetrators of seller impersonation fraud, and the difficulties of unwinding real estate transactions after the fraudulent activity has occurred, it is essential to focus preventing seller impersonation fraud. (Vote: 10-0)⁶⁰

Seller impersonation fraud, like many forms of fraud, can be carried out entirely remotely. The perpetrators, who have not provided their true identification details during the fraudulent transaction, are often located in another state or another country, making it difficult to locate the individual and hold them responsible. The process for victims to recoup the transaction costs involved in the fraudulent transaction and to clear title to the property after the fraud has been committed are both time-consuming and expensive. For these reasons, the Commission believes that future legislation and industry actions should focus primarily on the prevention of seller impersonation fraud.

5. Despite recent increased attention to the problem, there remains a lack of awareness about seller impersonation fraud among members of the general public and among professionals involved in real estate transactions, particularly regarding where to report incidents of deed fraud and the remedies available for victims of deed fraud. (Vote: 11-0)

Awareness regarding seller impersonation fraud is varied across members of the general public and professionals involved in real estate transactions. The Commission learned that substantial educational materials have been made available to real estate licensees and other professionals both through their professional licensing organizations and state and national professional associations. By contrast, it is not clear that sufficient educational materials have been developed for or have reached members of the general public.

The Commission was unable to reach a consensus regarding the entity that should be responsible for creating public educational materials or the best method for ensuring that these materials reach all property owners in the State; however, commission members did agree that public educational materials developed in the future should address at least the following topics: (a) what deed fraud is and how seller impersonation fraud commonly occurs, (b) the types of properties most commonly targeted by these schemes, (c) the steps property owners can take to protect and monitor attempts at deed fraud on their properties — including obtaining enhanced title insurance, keeping their mailing address current in municipal tax records, asking neighbors

⁶⁰ Commission member Senator Moore had temporarily stepped away from the meeting with the Commission voted to adopt this finding.

to periodically check vacant land for signs that it may be or has been sold and signing up for their county registry of deeds' electronic fraud alert system, (d) the entities to whom victims should report attempted and successful incidents of deed fraud, including local law enforcement, the Federal Bureau of Investigation and, perhaps, the Maine Real Estate Commission, and (e) the steps victims can take to clear title to their property if deed fraud occurs, including information on existing remedies and any new civil remedies enacted by the Legislature in the future.

B. Recommendations

- 1. The Legislature should enact legislation requiring both real estate licensees and settlement agents to verify the identity of persons selling property in all real estate transactions. The steps that each professional must take to fulfill this duty should be specified in rules developed jointly by the Maine Real Estate Commission, for real estate licensees, and the Bureau of Consumer Credit Protection within the Department of Professional and Financial Regulation, for settlement agents. (Vote: 9-2⁶¹)**

The commission members who support this recommendation emphasized that identity verification provides the most promising method for preventing seller impersonation fraud. These members believe it is critical that identity verification occur as early in the real estate transaction process as possible — *i.e.*, before a real estate licensee agrees to list a property for sale in the State. While both the Real Estate Commission and Maine Association of Realtors have informed real estate licensees that seller identity verification is a best practice, the commission members voting in favor of this recommendation feel strongly that it is important to impose this duty as a matter of law. Including this duty in statute will clarify for both real estate licensees and the public that failure to take steps to verify the identity of a putative seller before listing a property for sale may result in administrative discipline. This additional hurdle for perpetrators of seller impersonation fraud to overcome at the outset of the process may dissuade perpetrators from targeting Maine properties. The members voting in favor of this recommendation further recognize that it is essential that the identity of the property seller also be verified during the closing process, either by the registered settlement agent or the title attorney or agent of a real estate licensee or lender that conducts the closing process. This second, statutorily mandated seller identification process will provide an additional layer of protection against seller impersonation fraud.

The commission members who favor this recommendation also acknowledged that it would not be appropriate for the Commission or the Legislature, who are not experts in these fields, to prescribe the specific steps real estate licensees and settlement agents must take to verify the identity of the seller, especially given the ever-evolving practices of the perpetrators of fraud. Instead, while legislation should be developed and enacted requiring real estate licensees and settlement agents to verify the seller's identity for each sale of real property in the State, that legislation should also direct the Real Estate Commission and the Bureau of Consumer Credit Protection within the Department of Professional and Financial Regulation, which oversees registered settlement agents, to jointly adopt rules to implement this requirement. These jointly

⁶¹ Commission members Senator Ingwersen, Representative Lee, Senator Moore, Nancy Hammond, Carrie Cote, John Brautigam, Mark Samson, Cathy Beaudoin and Attorney General Frey voted in favor of this recommendation, while Hannah McMullen and Jane Towle voted against this recommendation.

developed rules should describe both the specific identity-verification steps real estate licensees and settlement agents must take as well as the timeframe in which these steps must be performed to satisfy the new statutory seller-identity-verification duty.

The commission members who voted against this recommendation believe that seller identity verification is already common practice among real estate licensees and need not be mandated by statute. In addition, they objected to the recommendation's lack of detail regarding the identity-verification steps professionals will be required to undertake.

2. Municipalities should take steps to ensure that the addresses they maintain for property tax purposes accurately reflect the current addresses of property owners because these tax records can provide a helpful tool for verifying the identity of persons seeking to list property for sale. (Vote: 9-2⁶²)

The commission members who voted in favor of this recommendation observed that it is essential for real estate professionals to have a source of reliable and accurate property owner contact information when they seek to verify the identity of the person seeking to list a property for sale. Real estate professionals can then send a letter to the rightful owner of a property at the listed address, asking the property owner to confirm that they do, in fact, wish to offer their property for sale. During the course of its work, the Commission concluded that municipalities are in a unique position to, and indeed have a strong incentive to, maintain accurate property owner mailing information in their property tax records. Yet, commission members also recognized that property tax record owner information might not always reflect the current owner prior to the tax commitment date. Accordingly, the commission members voting in favor of this recommendation authorized the Commission's co-chairs, Senator Ingwersen and Representative Lee, to send a letter to the Maine Municipal Association emphasizing the importance of deed fraud prevention. The letter should also request that the association work with its members to adopt best practices for maintaining accurate property owner addresses, which can then be used as a tool to verify the identities of persons seeking to list property for sale in the State. (A copy of the letter sent by the commission co-chairs to the Maine Municipal Association is included in Appendix K.)

By contrast, the commission members who voted against this recommendation expressed concern that municipalities are not required by law to update addresses in their tax rolls. These members were also concerned that perpetrators of deed fraud are sophisticated actors who are likely able to fraudulently change the addresses that appear in municipal tax records.

3. The Legislature should enact legislation establishing a process through which a licensed attorney may record an affidavit in the registry of deeds on behalf of a property owner that has the legal effect of nullifying a fraudulent deed in a way that avoids the time and expense of obtaining a court judgment. The Commission recommends that the

⁶² Commission members Senator Ingwersen, Representative Lee, Senator Moore, Nancy Hammond, John Brautigam, Hannah McMullen, Mark Samson, Jane Towle and Cathy Beaudoin voted in favor of this recommendation, while Carrie Cote and Attorney General Frey voted against this recommendation.

Judiciary Committee consult the Maine State Bar Association, Real Estate & Title Section, as it develops legislation to implement this process. (Vote: 9-2⁶³)

The commission members who voted in favor of this recommendation stressed that, once a fraudulent deed had been recorded in a county registry of deeds, current law recognizes only a single method for the rightful owner of the property to nullify the fraudulent deed: the property owner may bring a declaratory judgment action requesting that a court issue a recordable court order declaring the deed void. According to these commission members, the existing civil avenue of relief is unnecessarily burdensome, given the lengthy time and expense imposed on the victim to pursue this remedy. For these reasons, these commission members sought alternative methods for clearing the cloud on title created by a fraudulent deed. They recommend that the Legislature develop and enact legislation establishing a process through which a licensed attorney may, after taking specific steps prescribed by the law, record an affidavit in the county registry of deeds that has the legal effect of nullifying a fraudulent deed.

The members of the commission who favor creating a non-judicial, affidavit process for clearing title believe that it is important for the Legislature to seek the input of attorneys with expertise in real estate law and title law. This input is necessary to ensure that the process created is both effective and safeguarded from misuse. Because the Judiciary Committee has authority under Resolve 2025, chapter 104 to report out legislation implementing this recommendation, the commission members who voted in favor of this recommendation authorized the Commission's co-chairs, Senator Ingwersen and Representative Lee, to send a letter to the Real Estate & Title Section of the Maine State Bar Association asking that the attorneys in this section assist the Judiciary Committee in developing this new deed nullification process.⁶⁴ (A copy of the letter sent by the commission co-chairs to the Real Estate and Title Section of the Maine Bar Association is included in Appendix K.)

The commission members who voted against this recommendation felt that there is insufficient data or anecdotal evidence to suggest that a new process for nullifying fraudulent deeds is necessary. Instead, they observed that, in the few instances of attempted or successful deed fraud in York County of which the Commission was made aware, the rightful owners of the targeted properties were able to negotiate with the persons who thought they had purchased the targeted property through the fraudulent deed in a way that led to the creation of recorded documents that appear to have cleared title to these properties.

4. The Judiciary Committee should monitor whether the Uniform Law Commission adopts a uniform or model law to address deed fraud and, if so, should consider whether to adopt that uniform or model law in whole or part. (Vote 11-0)

⁶³ Commission members Senator Ingwersen, Senator Moore, Nancy Hammond, Carrie Cote, John Brautigam, Hannah McMullen, Mark Samson, Jane Towle and Cathy Beaudoin voted in favor of this recommendation, while Representative Lee and Attorney General Frey voted against this recommendation.

⁶⁴ Commission member and title attorney Carrie Cote, Esq., who is a member of the Real Estate & Title Section, offered to facilitate this process. Indeed, a few days after the final commission meeting, Attorney Cote notified staff that members of the Real Estate & Title Section have already begun developing draft legislation to implement this recommendation.

The members of the Commission who were present at the fourth commission meeting unanimously agreed that the toolkit of proposals for preventing and remedying deed fraud set forth in the September 29, 2025 report of the Uniform Law Commission's Deed Fraud Study Committee have great potential. The study committee's chair, J. Cliff McKinney, Esq., explained that the Uniform Law Commission will soon appoint a drafting committee to draft a uniform law or a model law based on the recommendations from the study committee. The ULC drafting committee will solicit input from numerous stakeholders and experts across the country. If the Uniform Law Commission ultimately votes to adopt that draft uniform or model law, it will be made available for states to consider adopting as a matter of state law. As more states consider and, potentially, adopt this uniform or model legislation, property owners and real estate professionals across the country will have a more consistent set of available tools for preventing and for remedying deed fraud. Accordingly, the Commission recommends that the Judiciary Committee monitor the Uniform Law Commission's progress toward adopting a uniform or model law on deed fraud and, if such a law is ultimately adopted, that the Judiciary Committee consider whether the Legislature should adopt either all or portions of that uniform or model law.

It is important to note that a majority of committee members was especially interested in the Uniform Law Commission Deed Fraud Study Committee's proposal that states develop a property freeze system through which the record owner of property may take specific steps to prevent the recording of certain types of instruments affecting title to that owner's specific real property within a local recording office or registry of deeds. The Deed Fraud Study Committee suggested that this system should allow property owners to prevent the recording of voluntary transfers of or leases on their property, but the system should not allow property owners to prevent the filing of involuntary transfers or liens, for example, foreclosure judgments or government liens based on unpaid property taxes. Five members of the commission who were present at the fourth committee meeting would have supported a recommendation directing the Judiciary Committee to report out legislation during the Second Regular Session establishing a property freeze system for the State. Given the clear potential of this approach for preventing deed fraud, these commission members did not feel it was necessary for the Legislature to wait for the Uniform Law Commission to complete its work before considering property freeze legislation. By contrast, five other commission members who were present at the meeting believed it is more prudent to wait for the Uniform Law Commission to develop model property freeze legislation. These members noted that a statewide property freeze system has not yet been tested in any state and may, if it is not created correctly, lead to unintended negative consequences. Because there was no consensus on implementing a property freeze system at this time, the commission ultimately concluded that the Judiciary Committee should consider the development of a property freeze system in concert with the full uniform or model law that may ultimately be proposed by the Uniform Law Commission.

APPENDIX A

Authorizing Legislation: Resolve 2021, chapter 104

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 139 - L.D. 353

**Resolve, to Establish the Commission to Recommend Methods for Preventing
Deed Fraud in the State**

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, deed fraud occurs when a person sells real property by falsely claiming to be the property owner and records a deed of the fraudulently induced sale in the registry of deeds, depriving the rightful owner of a significant asset without the owner's knowledge; and

Whereas, the process for the rightful owner of the property to nullify a fraudulently recorded deed is not only time-consuming and expensive but, if successful, can also leave the innocent purchaser of the property with neither the property nor the funds used to purchase the property from the perpetrator of the deed fraud; and

Whereas, this legislation establishes the Commission to Recommend Methods for Preventing Deed Fraud in the State to study options for both preventing deed fraud and recompensing the victims of deed fraud; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Recommend Methods for Preventing Deed Fraud in the State, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members as follows:

1. Five members appointed by the President of the Senate as follows:

- A. Two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;
- B. One individual who is a register of deeds in this State;
- C. One individual who is an experienced title attorney in this State; and
- D. One individual who represents civil legal aid providers for residents of this State who are elderly;

- 2. Five members appointed by the Speaker of the House as follows:
 - A. Two members of the House of Representatives, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;
 - B. One individual who represents the Department of Public Safety, Maine State Police computer crimes unit;
 - C. One individual who represents a statewide association of real estate brokers and who has experience in real estate transactions; and
 - D. One individual who represents banking institutions in this State;
- 3. The chair of the Real Estate Commission within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation or the chair's designee;
- 4. The Secretary of State or the secretary's designee; and
- 5. The Attorney General or the Attorney General's designee.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall:

- 1. Gather information on the practice and prevalence of deed fraud in the State, including information and data, if available, on the number and characteristics of incidents of deed fraud and unsuccessful attempts at deed fraud;
- 2. Examine the sufficiency of state laws and practices related to the following:
 - A. Identity verification for the sale of real property located in the State;
 - B. Notarization and recording of instruments affecting title to real property in the State, including the requirements for conducting remote notarization;

- C. Existing criminal penalties potentially applicable to perpetrators of deed fraud; and
- D. Civil remedies available to victims of deed fraud, including processes for nullifying fraudulently recorded deeds and returning ownership of the property to the rightful owners;

3. Gather and review any educational materials regarding the prevention of deed fraud that are currently available to property owners, real estate brokerage agencies, title insurance companies, real estate attorneys and other professionals involved in the sale of real property; examine the sufficiency of these materials; and consider the best methods for ensuring that appropriate educational materials are disseminated to property owners and relevant real estate professionals across the State;
4. Examine ways to mitigate the fraudulent listing of homes for rent by an individual who is not the legal homeowner; and
5. Examine ways in which deed fraud is being conducted through the Internet, including through the use of artificial intelligence technology.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 3, 2025, the commission shall submit to the Joint Standing Committee on Judiciary a report that includes the commission's findings and recommendations for preventing deed fraud in the State, including recommendations for enhanced public awareness of deed fraud and any suggested legislation for preventing deed fraud, including, but not limited to, enhancing identity verification requirements for real estate transactions in the State and for improving the civil and criminal remedies available in the State. The joint standing committee is authorized to report out legislation related to the report to the Second Regular Session of the 132nd Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

APPENDIX B

Membership List: Commission to Recommend Methods for Preventing Deed Fraud in the State

Commission to Recommend Methods for Preventing Deed Fraud in the State
Established by [Resolve 2025, Chapter 104](#)

Membership List - 2025

Name	Representation
Members appointed by the President of the Senate and the Speaker of the House	
Senator Henry Ingwersen	Senate Chair
Representative Adam Lee	House Chair
Senator Marianne Moore	Member of the Senate
Representative Thomas Lavigne	Member of the House
Nancy Hammond	Individual who is a register of deeds in this State
Carrie B. Cote, Esq.	Individual who is an experienced title attorney in this State
John Brautigam, Esq.	Representative of civil legal aid providers for residents of this State who are elderly
Lieutenant Jason Richards	Representative of the Department of Public Safety, Maine State Police computer crimes unit
Hannah McMullen, Esq.	Representative of a statewide association of real estate brokers who has experience in real estate transactions
Mark Samson	Representative of banking institutions in this State
Members designated by Resolve 2025, Chapter 104	
Jane B. Towle	Designee of the Chair of the Real Estate Commission within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation
Cathy Beaudoin	Designee of the Secretary of State
Attorney General Aaron Frey	Attorney General

APPENDIX C

Staff handout: Current Data on Deed Fraud

Commission to Recommend Methods for Preventing Deed Fraud in the State

CURRENT DATA ON DEED FRAUD

The collation of data below is what is currently available from external resources. These resources only include self-reported data and survey data which may not be generalizable¹ due to sampling bias².

SUMMARY OF SELF-REPORTED DATA IN MAINE

The following information is from publicly available FBI data specifically for the State of Maine. As noted in the 2025 FBI warning on the rise of deed fraud, “deed fraud” would fall under “real estate crime.” The statistics below relate to *real estate fraud*, which may or may not be deed fraud.

- In 2024, the FBI reported 55 victims in Maine lost \$122,001 to real estate fraud
Source: <https://www.ic3.gov/AnnualReport/Reports/2024State/#?s=22>
- From 2019-2023, the FBI reported 262 victims in Maine lost \$6,253,008 to real estate fraud
 - FBI data based on “Internet Crime Complaint Center (IC3), which provides the public with a means of reporting internet-facilitated crimes”
 - “Deed fraud” not a category for which the members of the public can select.
 - The FBI notes “The reported losses are most likely much higher due to that fact that many don’t know where to report it, are embarrassed, or haven’t yet realized they have been scammed.”

Source: <https://www.fbi.gov/contact-us/field-offices/boston/news/fbi-boston-warns-quit-claim-deed-fraud-is-on-the-rise>

- The Maine Association of Realtors, at the first Commission meeting, shared:
 - Over 25 reports of targeted addresses in 2024;
 - At least 22 targeted addresses in 2025 (so far).
 - Additional details regarding the characteristics of these properties are not available.

SUMMARY OF NATIONAL SURVEY DATA

The American Land Title Association (ALTA) and the National Association of Realtors (NAR) have each conducted national studies of their members on the prevalence of deed fraud. The demographics of respondents for each survey are shared on page 2 of this document. A summary of current data from the surveys is on pages 3-5, including information on:

- Characteristics of seller impersonation fraud (SIF) (p. 3);
- Types of properties targeted (p. 4);
- Targeted U.S. geographical regions observed by real estate agents (p. 5);
- Targeted areas observed by real estate agents (p. 5)
- Observed red flags by title insurance companies (p. 5);
- When deed fraud may be identified by title insurance companies (p. 5); and
- Title insurance coverage of property owners (p. 5).

¹ <https://mrctcenter.org/glossaryterm/generalizability/>

² “An additional form of sampling bias comes from collecting data using convenience or volunteer sampling. This is when data is collected on individuals who are readily available or who volunteer to take a survey. Convenience and volunteer sampling can lead to particularly poor conclusions, as people who are convenient for sampling or readily volunteer to participate in a sample often share common traits, thus weighting their group’s opinions more heavily in the results” from <https://www.sciencedirect.com/topics/mathematics/sampling-bias>

Commission to Recommend Methods for Preventing Deed Fraud in the State

Demographics of Survey Respondents

Seller Impersonation Fraud (SIF) Survey, conducted by ALTA (May 2024)

Source: <https://www.alta.org/business-operations/research-initiatives-and-resources/critical-issue-studies/seller-impersonation-fraud-study>

ALTA results based on “783 responses from ALTA members and businesses in the broader title insurance company across 49 states³ and [D.C.]” (p. 3).

- 78% of respondents operate only in one state (22% operate in “multiple states”)
- 70% of respondents averaged 75 closings or less each month; 18% of respondents average 76 to 250 closings a month; 12% averaged over 250 closings a month.
- 75% of respondents had annual revenues under \$1 million; 28% of respondents earned an annual revenue between \$1 and \$5 million; 7% of respondents had revenues about \$5 million.

2025 Deed & Title Fraud Survey, conducted by NAR (September 2025)

Source: <https://www.nar.realtor/sites/default/files/2025-09/2025-deed-and-title-fraud-survey-report-09-23-2025.pdf>

NAR survey results based on responses (unknown observations) from associations across 43 states and territories and Washington, D.C. NAR noted this was a small sample size. (p. 5).

- Regions defined used NAR’s Existing-Home Sales regions (p. 22)
 - 36% of respondents from the West
 - 28% of respondents from the South
 - 21% of respondents from the Midwest
 - 15% of respondents from the Northeast
- Respondents area type (not defined in report) (p. 23)
 - 41% of respondents were located in a central city/urban area
 - 36% of respondents were located in a suburban area
 - 13% of respondents were located in a small town
 - 5% of respondents were located in a rural area
 - 5% of respondents were located in a resort area

³ Hawaii not represented in survey.

Commission to Recommend Methods for Preventing Deed Fraud in the State

Summary of Results from ALTA and NAR Surveys

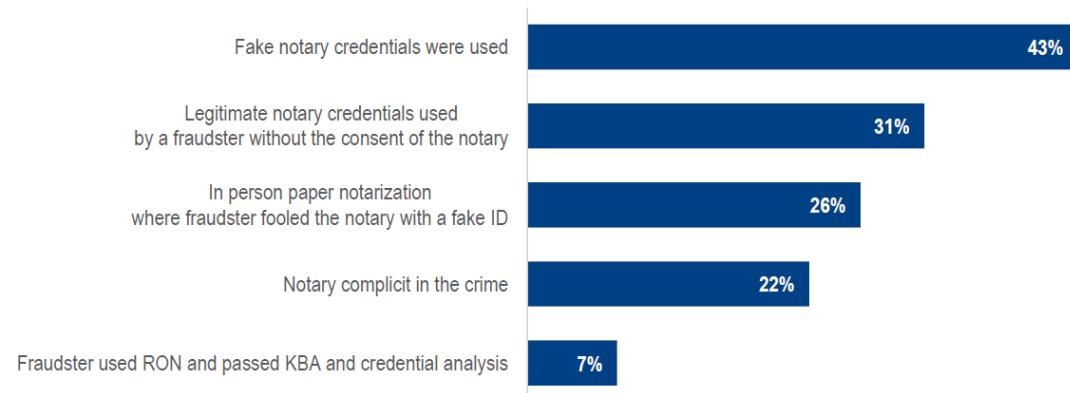
- **Characteristics of SIF**

- Notarization Issues (ALTA, 2024, pp. 5-6)

Figure 4.

43% of companies with SIF attempts said fake notary credentials were used

Based on your experience with attempted SIF transactions, how common are the following notarization issues?
Share of respondents that selected somewhat common, common, or very common.



- Use of Property Owner's Legitimate Non-Public Personal Information (ALTA, 2024, p. 6)

Figure 5.

A property owner's legitimate birthdate, driver's license number and social security number were commonly used in fraud attempts

Based on your experience, how common is it for fraudsters to use the real owner's legitimate non-public personal information?
Share of respondents that selected somewhat common, common, or very common.



Commission to Recommend Methods for Preventing Deed Fraud in the State

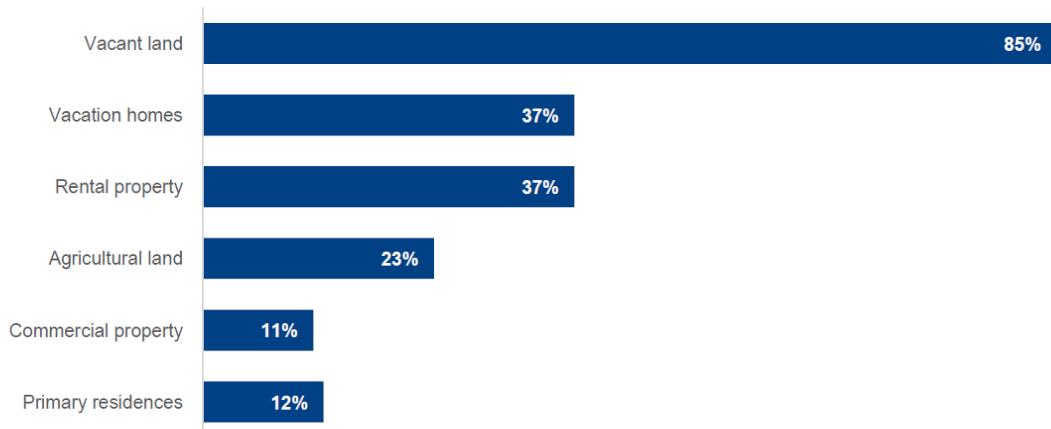
- **Types of Property Targeted**

- In the ALTA (2024) survey respondents were instructed to share, based on experience, *how common is attempted SIF on the following properties.*

Figure 6.

Vacant land was the most targeted type of property for SIF attempts

*Based on your experience, how common is attempted SIF on the following property types?
Share of respondents that selected somewhat common, common, or very common.*



- In the NAR (2025) survey, respondents were instructed to answer regarding **the occupancy status** of the targeted property *in the most recent instance of which they were aware* (p. 9).
 - 62% observed deed fraud on vacant land
 - 14% observed deed fraud on “other” (not defined in report)
 - 12% observed deed fraud on owner-occupied land
 - 10% were “not sure” what type of occupancy of the property of which the deed fraud occurred
 - 2% observed deed fraud on vacation residential rental
 - 0% observed deed fraud on a vacant vacation rental
 - 0% observed deed fraud on a vacant property of a deceased owner.
- In the NAR (2024) survey, respondents were instructed to answer regarding **the type of property** targeted *in the most recent instance of which they aware* (p. 10).
 - 52% observed deed fraud on residential land
 - 32% observed deed fraud on “other” (not defined)
 - 16% observed deed fraud on a detached single-family home
 - 0% observed deed fraud on a townhouse/row house/duplex
 - 0% observed deed fraud on a condominium or cooperative

- **Targeted U.S. geographical regions observed by real estate agents**

- In the NAR (2024) survey, of the 63% of respondents who replied to the question, “In the past 12 months, are you aware of any instances of title fraud or deed theft in your state or area?” the following percentage of respondents responded in the affirmative (p. 7):
 - 92% of respondents in the Northeast
 - 59% of respondents in the West
 - 59% of respondents in the South
 - 53% of respondents in the Midwest

Commission to Recommend Methods for Preventing Deed Fraud in the State

- **Targeted areas observed by real estate agents**
 - In the NAR (2025) survey, of the 63% of respondents who replied to the question, “In the past 12 months, are you aware of any instances of title fraud or deed theft in your state or area?” (p. 8):
 - 64% observed deed fraud in a central/urban area (not defined in report)
 - 62% observed deed fraud in a suburban area (not defined in report)
 - 40% observed deed fraud in a central/urban area (not defined in report)
- **“Red Flags” Reported by title insurance companies** (ALTA, 2024, pp. 7-8)
 - Cash transaction — 88% of respondents
 - Seller requests mail away signing, using their own notary — 86% of respondents
 - No existing mortgage or encumbrance on the property — 84% of respondents
 - Seller will not meet, take voice or video calls — 83% of respondents
 - Property selling for below market value — 74% of respondents
 - Seller in a different state than the purported notary — 62% of respondents
 - Seller requests proceeds wired to a country other than where the seller lives — 52% of respondents
 - Title holder is deceased — 36% of respondents
- **When deed fraud may be identified by title insurance companies**
 - In the ALTA (2024) survey, title insurance companies were asked when it is common to identify fraud (pp. 8-9):
 - 46% of respondents reported it was “somewhat common, common, or very common” to identify fraud pre-closing, which “includes pre-listing, order entry, search and examine, during closing, and at signing.”
 - 26% of respondents reported it was “somewhat common, common, or very common” to identify fraud post-closing which includes the “recording onward.”
- **Title insurance coverage of property owners:**
 1. In the ALTA (2024) survey, 42% of respondents reported their customers bought a Homeowner’s Enhanced Policy that covered SIF into the future (p. 9).

Commission to Recommend Methods for Preventing Deed Fraud in the State

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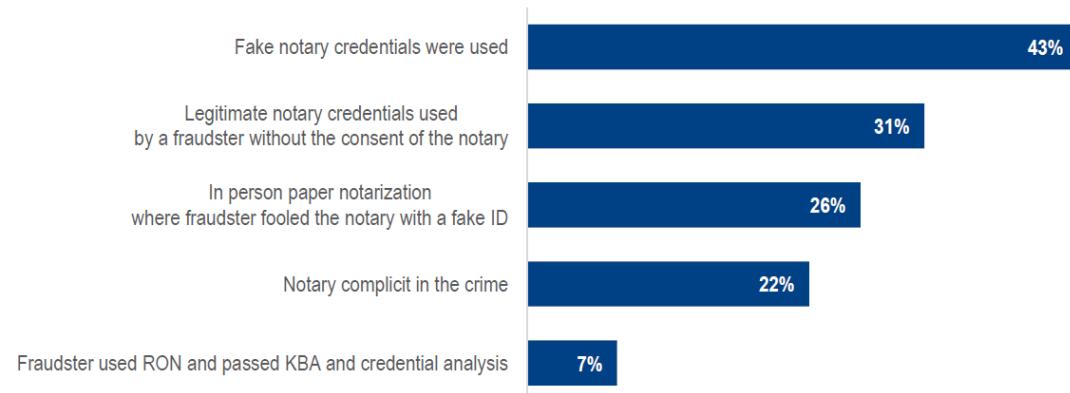
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Commission to Recommend Methods for Preventing Deed Fraud in the State

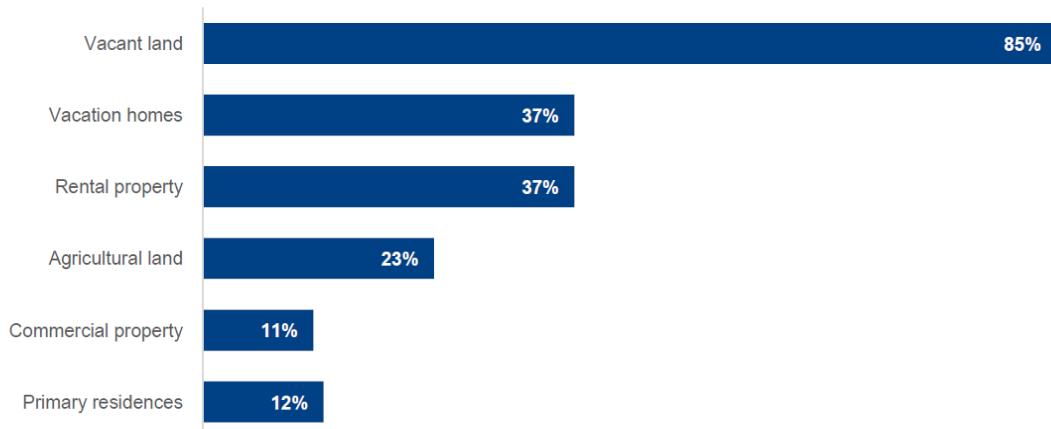
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- In the NAR (2024) survey, respondents were instructed to answer regarding **the type of property** targeted *in the most recent instance of which they aware* (p. 10).
 - 52% observed deed fraud on residential land
 - 32% observed deed fraud on “other” (not defined)
 - 16% observed deed fraud on a detached single-family home
 - 0% observed deed fraud on a townhouse/row house/duplex
 - 0% observed deed fraud on a condominium or cooperative

- **Targeted U.S. geographical regions observed by real estate agents**

- In the NAR (2024) survey, of the 63% of respondents who replied to the question, “In the past 12 months, are you aware of any instances of title fraud or deed theft in your state or area?” the following percentage of respondents responded in the affirmative (p. 7):
 - 92% of respondents in the Northeast
 - 59% of respondents in the West
 - 59% of respondents in the South
 - 53% of respondents in the Midwest

Commission to Recommend Methods for Preventing Deed Fraud in the State

- **Targeted areas observed by real estate agents**
 - In the NAR (2025) survey, of the 63% of respondents who replied to the question, “In the past 12 months, are you aware of any instances of title fraud or deed theft in your state or area?” (p. 8):
 - 64% observed deed fraud in a central/urban area (not defined in report)
 - 62% observed deed fraud in a suburban area (not defined in report)
 - 40% observed deed fraud in a central/urban area (not defined in report)
- **“Red Flags” Reported by title insurance companies** (ALTA, 2024, pp. 7-8)
 - Cash transaction — 88% of respondents
 - Seller requests mail away signing, using their own notary — 86% of respondents
 - No existing mortgage or encumbrance on the property — 84% of respondents
 - Seller will not meet, take voice or video calls — 83% of respondents
 - Property selling for below market value — 74% of respondents
 - Seller in a different state than the purported notary — 62% of respondents
 - Seller requests proceeds wired to a country other than where the seller lives — 52% of respondents
 - Title holder is deceased — 36% of respondents
- **When deed fraud may be identified by title insurance companies**
 - In the ALTA (2024) survey, title insurance companies were asked when it is common to identify fraud (pp. 8-9):
 - 46% of respondents reported it was “somewhat common, common, or very common” to identify fraud pre-closing, which “includes pre-listing, order entry, search and examine, during closing, and at signing.”
 - 26% of respondents reported it was “somewhat common, common, or very common” to identify fraud post-closing which includes the “recording onward.”
- **Title insurance coverage of property owners:**
 1. In the ALTA (2024) survey, 42% of respondents reported their customers bought a Homeowner’s Enhanced Policy that covered SIF into the future (p. 9).

APPENDIX D

Presentation from York County Sheriff William King

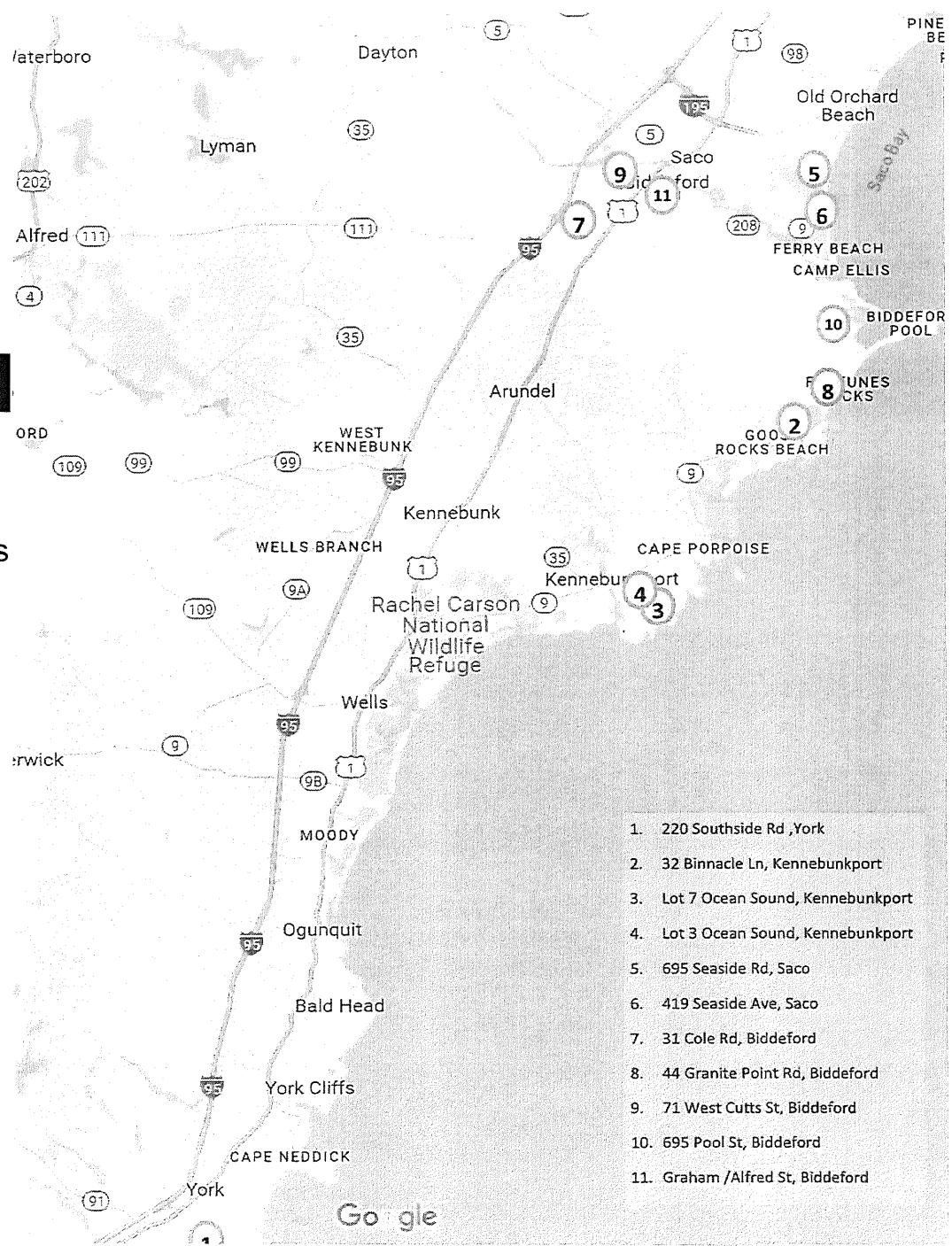
Seller Impersonator/Land Theft

Resolve 2025 Chapter 104



Why Southern Maine?

- Rural nature of vacant land
- Out of states own property
- Property without any encumbrances
- Summer/winter residences



Instances of deed fraud/seller impersonator

In Southern Maine, law enforcement has encountered several dozen or so attempted land thefts.

One was successful

Several were recorded at the County Deeds office

Stopped counting and focused efforts on education



Seller Impersonator

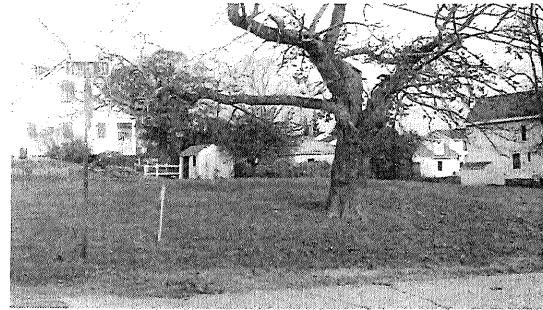
- Vacant property
- Clear title
- Asking under value
- Reluctant to Facetime or video chat
- Prefers email or text
- Rush to close
- Completely remote
- Not interested in a deposit
- Seller in need of money

Rockland

- The owners live in New Hampshire.
- A neighbor called and told them that a “For Sale” sign was on the property.
- Scammer contacted real estate agent through Zillow.com
- Priced below market value
- Title searcher noticed the signatures on the purchasing document did not match signatures on the selling document.

Scammer almost sold valuable Rockland house lot without owners' knowledge

By Stephen Betts
Nov 14, 2023



17 South St. in Rockland.
Photo by Stephen Betts

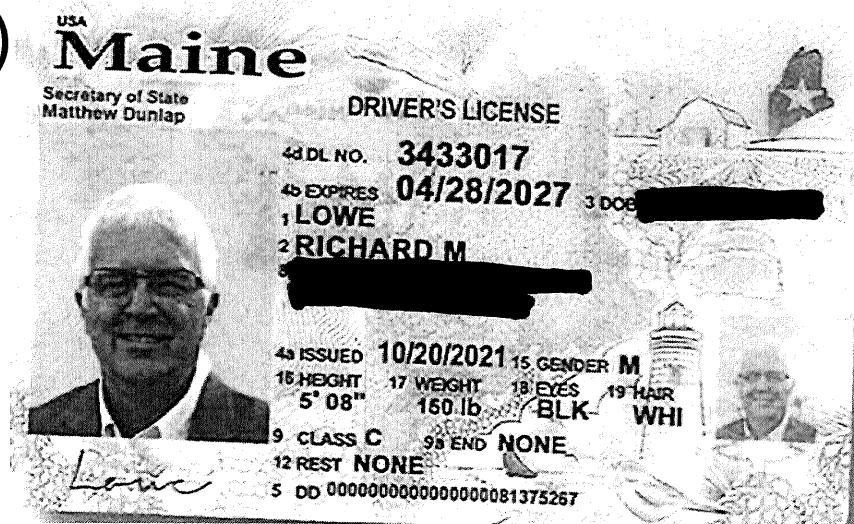
ROCKLAND — A quarter-acre Rockland residential lot was nearly sold without the owners' knowledge earlier this month.

An alert title searcher with a local law firm noticed that the signatures on the sellers' documents did not match signatures on documents when the real owners purchased the property back in 2009.



February 1, 2023 – BIDDEFORD

- Development Company
- Florida Notary Dr. Bienvenido Valen (HH47826)



+1 (659) 658-3147

Text Message
Wednesday 10:57 AM

Hi John, I got your message from Zillow about helping with a vacant lot you have down in York. I'd love to help out!
-Erin

Oh sounds good.! I'm actually looking to sell my vacant lot I've for sale in 220 southside rd, York, ME, 03909.

That's great! How many acres?

It's about 99752 sq ft(2.286 acres)

That's perfect! Did you want me to get it listed for you with the real estate company I work with?

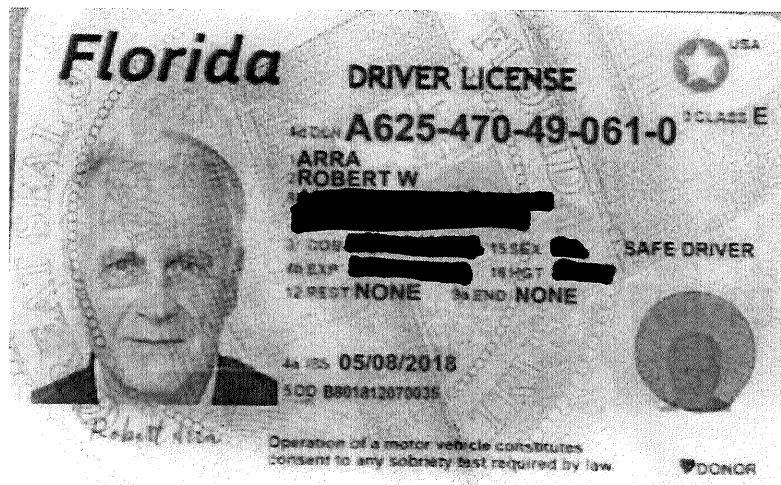
Sure

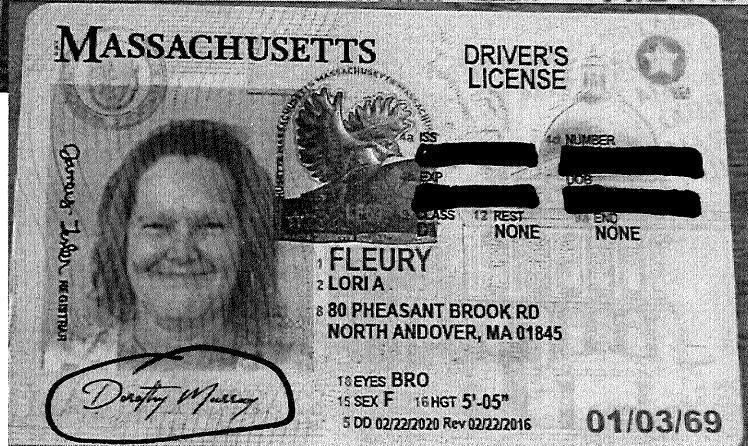
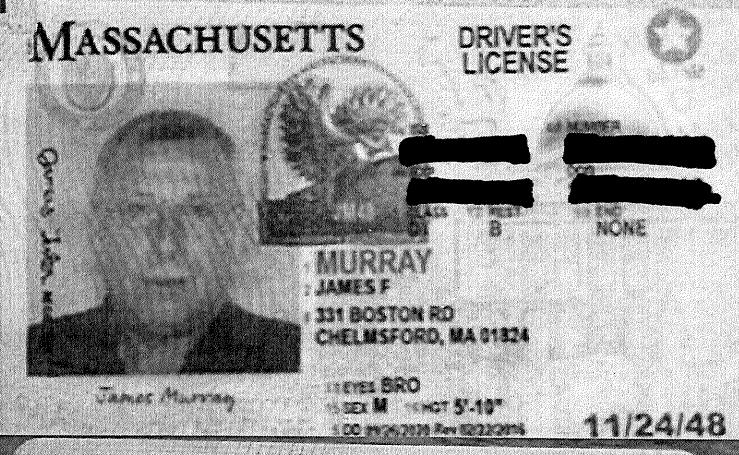
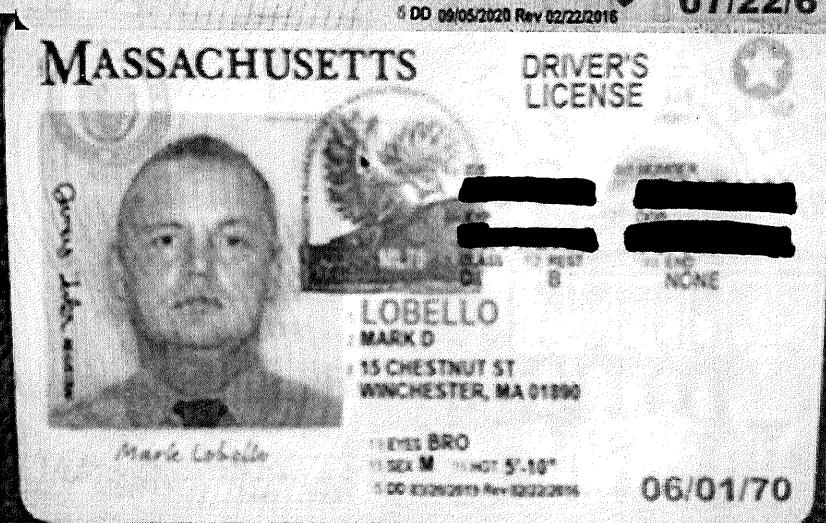
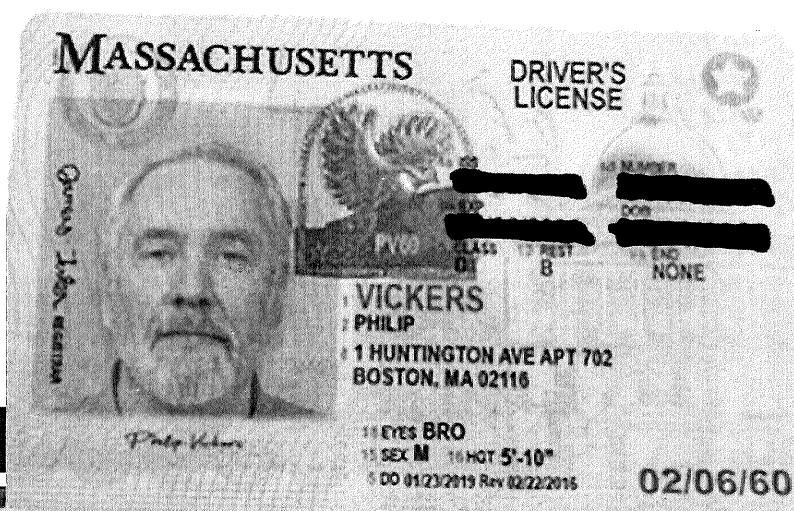
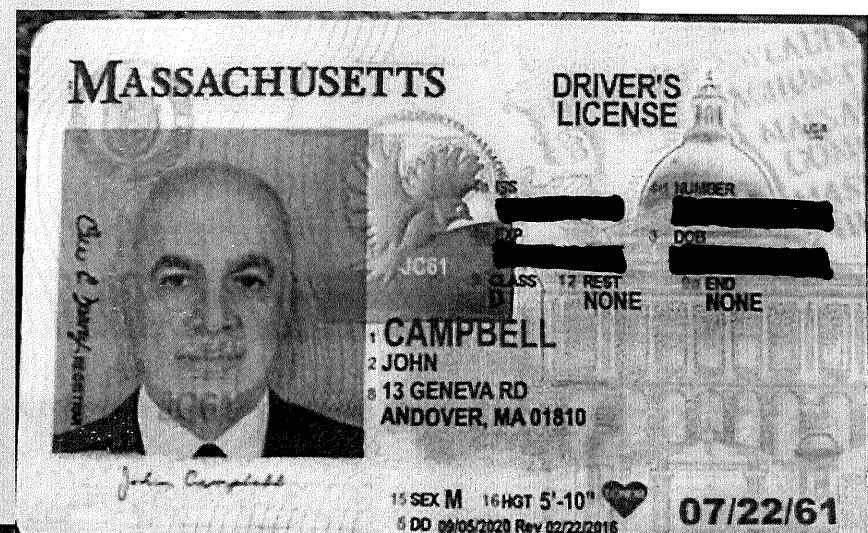
I'm actually looking to have it listed as soon as I can cause I got cancer and exactly the reason why I wanna let the lot go

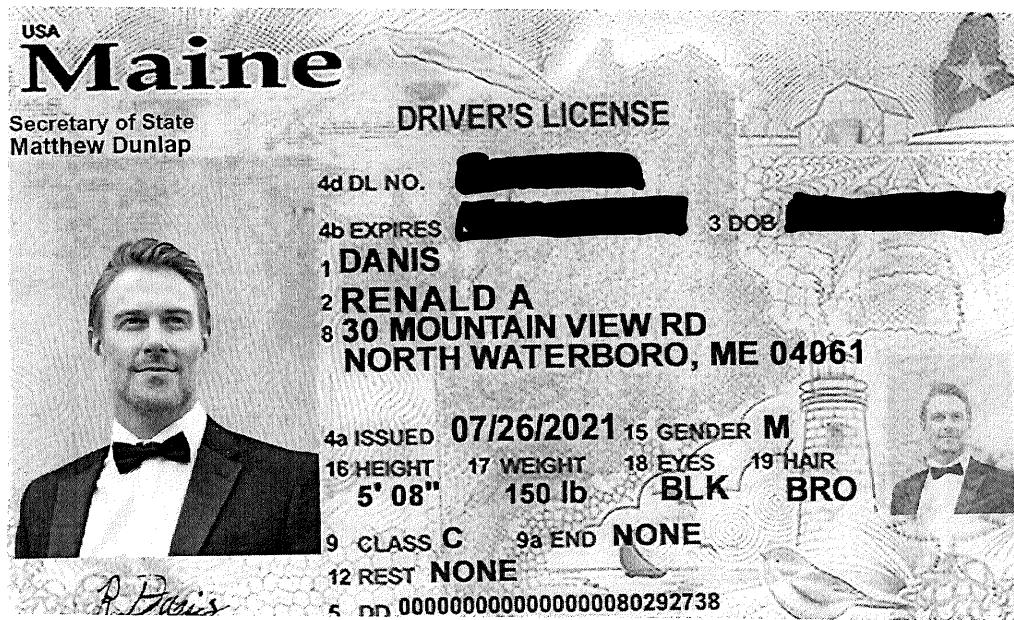
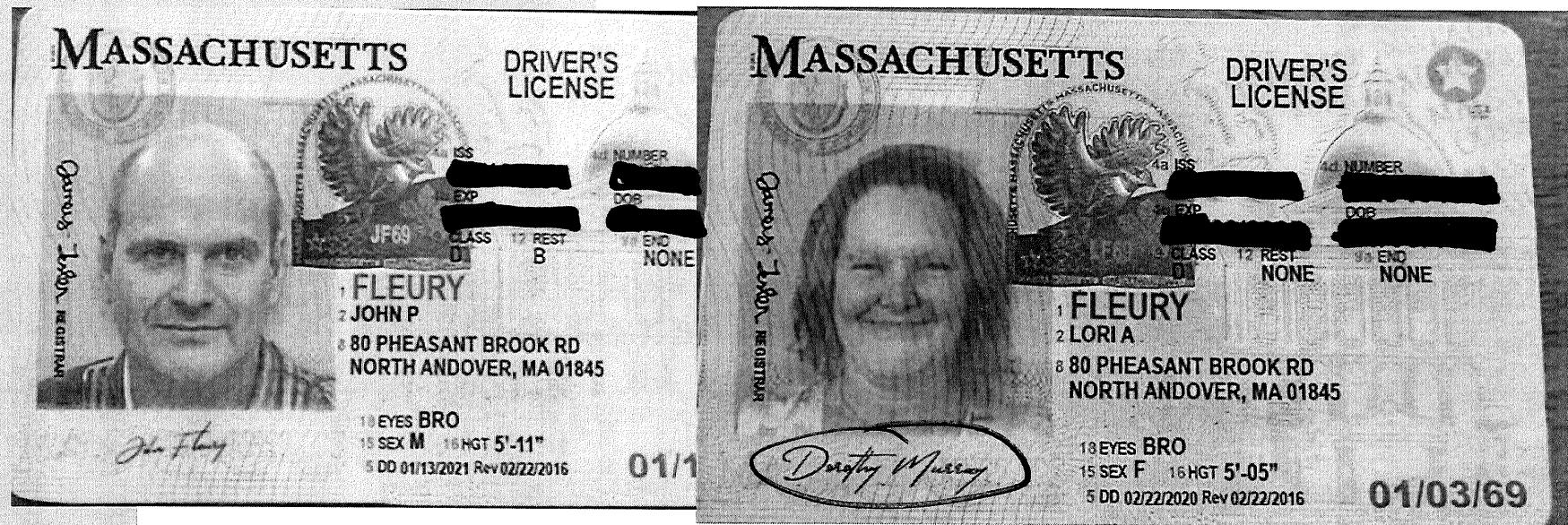


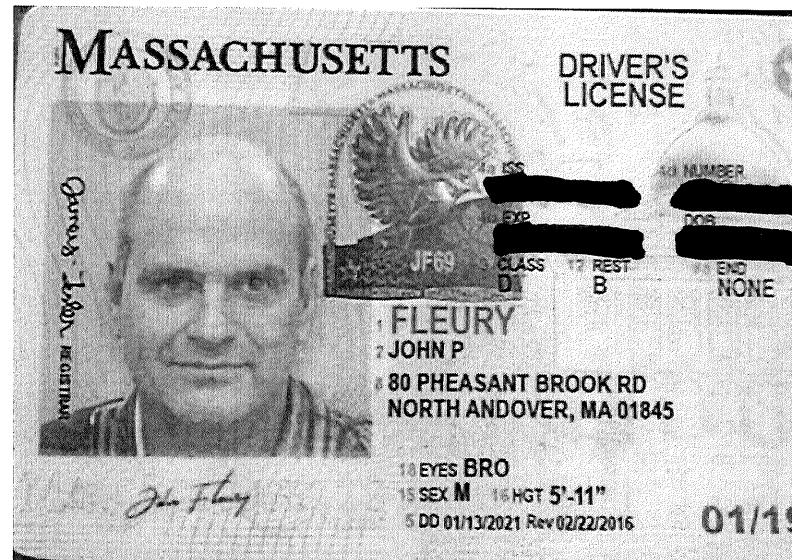
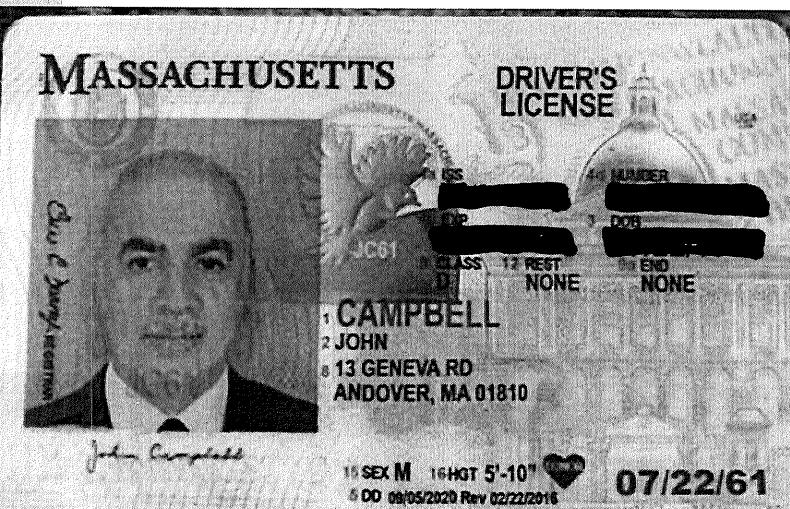
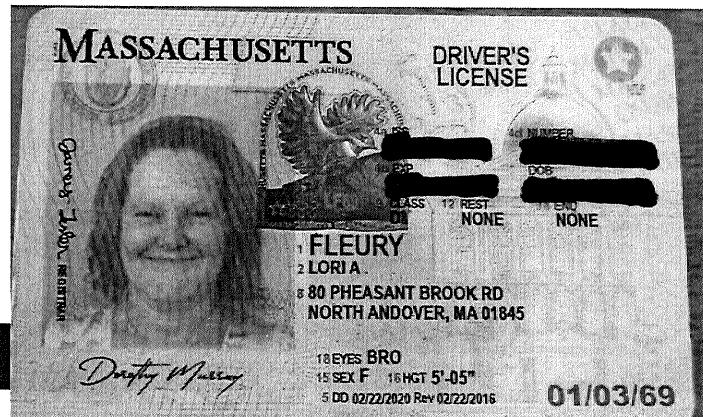
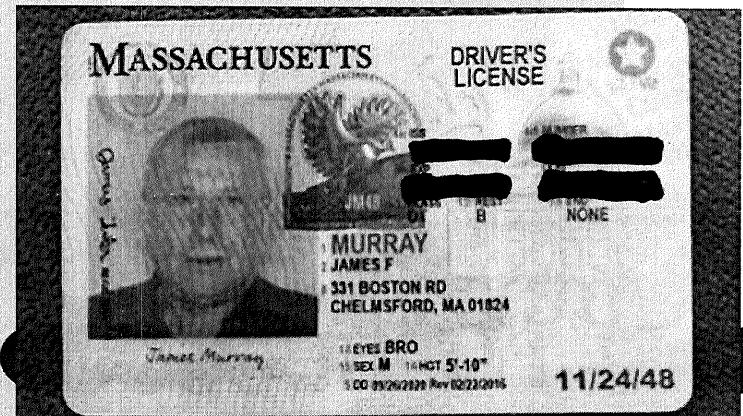
Use of False Identification

- Kennebunkport
 - Lisa Vickers
 - Friends with broker who was contacted – 2ND TIME!
 - Robert Arra





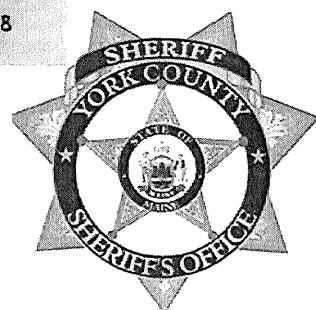
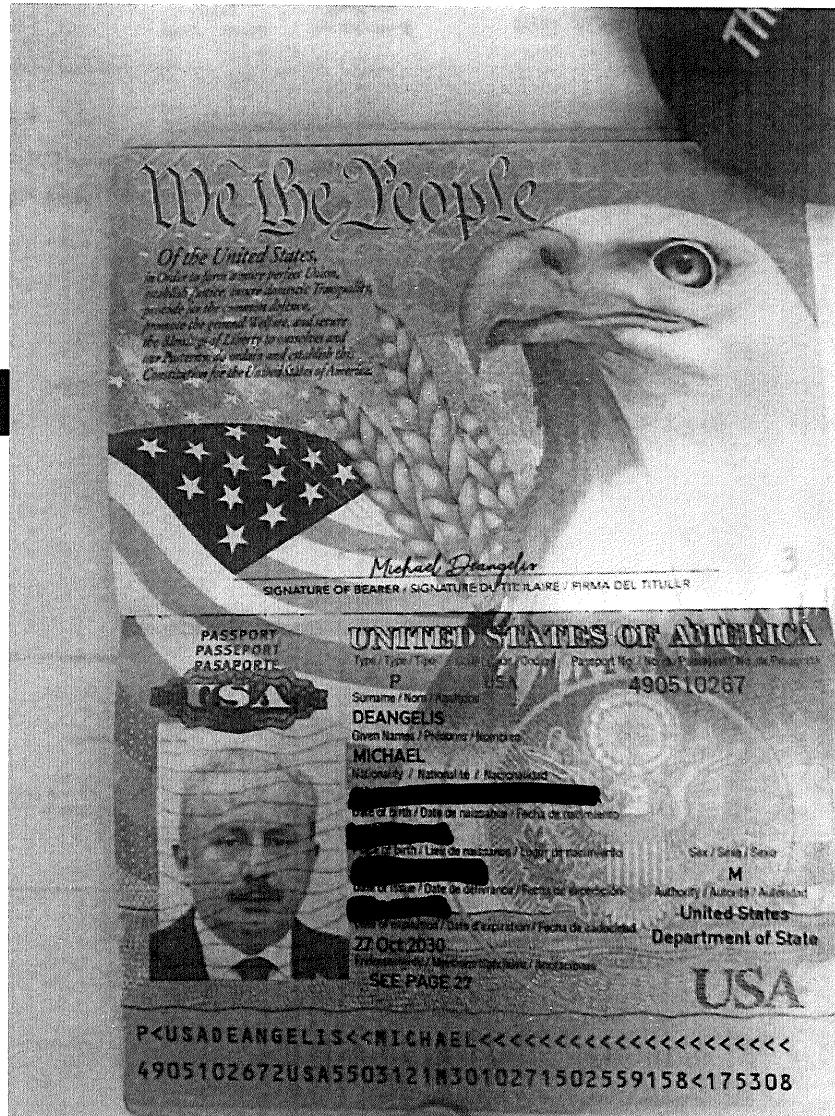




Passport ID

11

Appendix D



12



3637 Del Prado Blvd S, Suite 304
Cape Coral, FL 33904
Phone: (239)224-3220

Date: 03/06/2024

Anchor Title Services has been contracted to provide title and closing services for a sales transaction regarding the subject property listed below.

File No: CC3195
Subject Property Address: Hightower Road, North Port, FL 34288
Folio Number: 1142257710
Buyer/Borrower(s): Brightland Homes of Florida, LLC, a Delaware limited liability company

In an effort to prevent ongoing fraud, this letter is being sent to you to confirm you are aware that this property is being sold and that you are, in fact, selling this property. Please contact us to confirm receipt of this letter and to discuss this proposed sales transaction. You must provide the following code when contacting us:

Code: 3637

Closing will be on HOLD until we hear from you. We are unable to close without this code.

Thank you for helping us combat fraud in real estate transactions. We look forward to hearing from you.

Sincerely,

Michelle Udeako
Michelle Udeako



LOCAL LAND SCAM

Please be aware that a man is calling local brokers impersonating owners of 7 Ocean Sound, Kennebunkport (The Vickers) saying he wants to sell "his" land. He even went so far as to produce a fake drivers license. Be advised this is a scam, he is not the owner, and the land is NOT for sale.

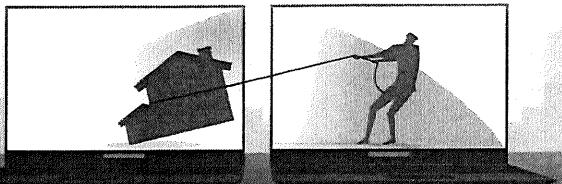
SELLER IMPERSONATION FRAUD in Real Estate

Red Door Title

Step Up To Exceptional Customer Service

FRAUDSTERS are impersonating property owners to illegally sell commercial or residential property. Sophisticated fraudsters are using the real property owner's Social Security and driver's license numbers in the transaction, as well as legitimate notary credentials, which may be applied without the notary's knowledge. Fraudsters prefer to use email and text messages to communicate, allowing them to mask themselves and commit crime from anywhere.

Due to the types of property being targeted, it can take months or years for the actual property owner to discover the fraud. Property monitoring services offered by county recorder's offices are helpful, especially if the fraud is discovered prior to the transfer of money. Where approved by state regulators, consumers can purchase the American Land Title Association (ALTA) Homeowner's Policy of Title Insurance for additional fraud protection.



WATCH FOR RED FLAGS

Consider heightened scrutiny or halt a transaction when...

→ a property:

- Is vacant or non-owner occupied, such as investment property, vacation property, or rental property
- Has a different address than the owner's address or tax mailing address
- Has no outstanding mortgage or fees
- Is for sale or sold below market value

→ a seller:

- Wants a quick sale, generally in less than three weeks, and may not negotiate fees
- Has a different address than the owner's address or tax mailing address
- Wants a cash buyer
- Is refusing to attend the signing and claims to be out of state or country
- Wants to use their own notary
- Is difficult to reach via phone and only wants to communicate by text or email, or refuses to meet via video call
- Demands proceeds be wired
- Refuses or is unable to complete multi-factor authentication or identity verification
- Wants to use their own notary

Jackie Fitzgerald-Boyd
Senior Attorney & VP Title Operations
Red Door Title
222-230 Main Street, 4th Floor
Kennebunkport, ME 03901
jfb@reddoortitle.com
www.reddoortitle.com

VACANT LAND RED FLAGS

Red Door Title
Step Up To Exceptional Customer Service

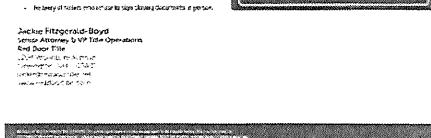


THE U.S. SECRET SERVICE HAS RECEIVED AN ALARMING INCREASE IN REPORTS OF REAL ESTATE FRAUD ASSOCIATED WITH VACANT AND UNDEVELOPED PROPERTY. Criminals are buying or owning vacant land and defrauding real estate agents to privately develop properties, generally paying for a cash sale under market value. Real estate agents have reported that the email communication is a private email account, and the seller is a friend or financial neighbor of the broker. Below are some helpful tips to be used when visiting vacant property:

- Be wary when broker contacts an owner for market value. Be cautious for a cash payment or a quick closing.
- Conduct an independent search for the identity of the subject property owner.
- If the subject is listed as an LLC or corporation, check the Secretary of State's corporate records to find the name and address of the manager, registered agent and officers.
- Request an "appraisal" or "walk-through" to see the property.
- Request a copy of a property tax bill or see documents that confirm the seller's ownership at the point of sale or when purchased property.
- Ask for a copy of the title insurance policy held by the parties who were the joint owners and the purchase price.
- If the subject is listed as an LLC, take business documents in person.

TAKE ACTION

If you suspect a scam is occurring, immediately report it to local law enforcement and file a complaint with the FBI's Internet Crime Complaint Center.



SELLER IMPERSONATION FRAUD IN REAL ESTATE

AMERICAN LAND TITLE ASSOCIATION

FRAUDSTERS are impersonating property owners to illegally sell commercial or residential property. Sophisticated fraudsters are using the real property owner's Social Security and driver's license numbers in the transaction, as well as legitimate notary credentials, which may be applied without the notary's knowledge.

Fraudsters prefer to use email and text messages to communicate, allowing them to mask themselves and commit crime from anywhere.

Due to the types of property being targeted, it can take months or years for the actual property owner to discover the fraud. Property monitoring services offered by county recorder's offices are helpful, especially if the fraud is discovered prior to the transfer of money.

Where approved by state regulators, consumers can purchase the American Land Title Association (ALTA) Homeowner's Policy of Title Insurance for additional fraud protection.

WATCH FOR RED FLAGS

CONSIDER HEIGHTENED SCRUTINY OR HALT A TRANSACTION WHEN A PROPERTY...

- Is vacant or non-owner occupied, such as investment property, vacation property, or rental property
- Has a different address than the owner's address or tax mailing address
- Has no outstanding mortgage or fees
- Is for sale or sold below market value

CONSIDER HEIGHTENED SCRUTINY OR HALT A TRANSACTION WHEN A SELLER...

- Wants a quick sale, generally in less than three weeks, and may not negotiate fees
- Wants a cash buyer
- Is refusing to attend the signing and claims to be out of state or country
- Is difficult to reach via phone and only wants to communicate by text or email, or refuses to meet via video call
- Demands proceeds be wired
- Refuses or is unable to complete multi-factor authentication or identity verification
- Wants to use their own notary



Questions?

Cryptocurrency	25	Cryptocurrency Wallet	8
*These descriptors relate to the medium or tool used to facilitate the crime, and are used by the IC3 for tracking purposes only. They are available only after another crime type has been selected.			

Crime Type by Subject Loss

Crime Type	Loss Amount	Crime Type	Loss Amount
Advanced Fee	\$780	Lottery/Sweepstakes/Inheritance	\$355,472
BEC	\$1,089,231	Malware	\$0
Botnet	\$0	No Lead Value	\$0
Confidence/Romance	\$274,975	Non-payment/Non-Delivery	\$912,708
Credit Card/Check	\$88,089	Other	\$29,500
Fraud			
Crimes Against Children	\$0	Overpayment	\$140,688
Data Breach	\$26,636	Personal Data Breach	\$48,722
Employment	\$4,397	Phishing/Spoofing	\$0
Extortion	\$308,760	Ransomware	\$0
Government	\$302,755	Real Estate	\$1,064,109
Impersonation			
Harassment/Stalking	\$0	SIM Swap	\$0
IPR/Copyright and Counterfeit	\$0	Tech Support	\$1,483,600
Identity Theft	\$41,020	Threats of Violence	\$0
Investment	\$1,295,820		

Descriptors*

Cryptocurrency	\$2,159,664	Cryptocurrency Wallet	\$73,480
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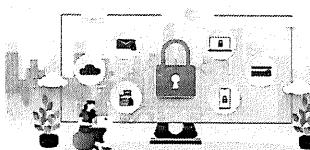
*These descriptors relate to the medium or tool used to facilitate the crime, and are used by the IC3 for tracking purposes only. They are available only after another crime type has been selected.



Out of Country sca

15

Internet Crime Complaint Center (IC3)



Protect one another.
The Internet Crime Complaint Center, or IC3, is the Nation's central hub for investigating cyber crime. Here on our website, you can file two vital steps in protecting yourself and your loved ones: security and reporting.
First, if you believe you have fallen victim to cyber crime, file a complaint or alert. Your report can help law enforcement bring the bad guys to justice.
Second, get educated about the latest and most harmful cyber threats and scams. By doing so, you will be better able to protect yourself, your family, and your loved ones from becoming victims of Internet crime. Submission for reward and other incentives are available for reporting. Reporting to IC3 helps bring justice to justice and reward the informed cyber police for our all.

File a Complaint
Join the fight against Internet crime!

Be Proactive

Internet crime is the key to prevention. By staying informed, you can protect your family and business and avoid being a victim yourself.

Browse our FAQs

Reporting a crime makes our community safer.

To help, the IC3 is a complaint center. Simply report the type of crime you've experienced and let us do the rest.



Latest Announcements

Read about recent trends and threats, and how to protect yourself and your loved ones from becoming victims of Internet crime.



See Other Types of Crimes

Protecting our digitally-connected world is a top priority and focus of the FBI.

But we can't do it alone.

Federal, state, and local law enforcement agencies, along with the FBI, are working to combat the growing threat of cyber crime. The FBI is the lead law enforcement agency for investigating cyber crime. The agency's mission is to protect the American public from foreign and domestic terrorist threats, organized crime, and other serious criminal activities. The FBI's efforts to combat cyber crime are focused on three main areas: protecting the American public from foreign and domestic terrorist threats, protecting the American public from organized crime, and protecting the American public from other serious criminal activities.

The information you submit to IC3 makes all the difference.

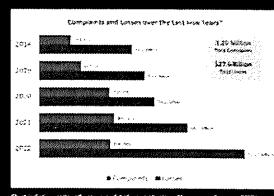
Complaints and losses reported to IC3 are used to help law enforcement agencies, including the FBI, identify trends and patterns of cyber crime. These trends and patterns can then be used to prevent and mitigate future cyber attacks.

Only by working together can we combat cyber crime. Your help is important. Please be sure to file a complaint with IC3 if you have been a victim of cyber crime. With your help, we can work together to prevent and mitigate future cyber attacks.

See Annual Report

See Elder Fraud Report

See More Annual Reports



Consumer Alerts

Scammers Use Cookies to Retiree, Call and Email Victims of Tech Support and Government Information Scams

View Alert

Malicious Actors Threaten U.S. Synagogues, Schools, Hospitals, and Other Institutions With Ransom Threats

View Alert

Chinese Police Imposter Incorporate Aggressive Tactics to Target U.S.-Based Chinese Community

View Alert

Threat of Violence Likely Heightened Threats to Minorities

View Alert

FBI Warns of Scammers Targeting Senior Citizens in Grandparent Scams and Demanding Funds by Wire, Mail, or Courier

View Alert

Industry Alerts

Direct Action, Inject Multiple Vulnerabilities in Intel's Connect Secure and Policy Secure Gateways

View Alert

STOPransomware: Phobia Ransomware

View Alert

Russia, Cyber Actors Use Compromised Routers to Facilitate Cyber Operations

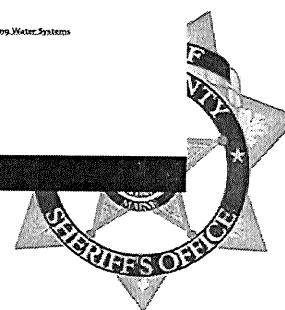
View Alert

SIV Cyber Actors Advertise Tactics for Initial Cloud Access

View Alert

Top Cyber Actions for Securing Water Systems

View Alert



APPENDIX E

Memoranda from Real Estate Commission Director Catherine E. Pendergast



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL
REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL
REGULATION



Janet T. Mills
Governor

Penny Vaillancourt
Director

Joan F. Cohen
Commissioner

REAL ESTATE COMMISSION

MEMORANDUM

To: Senator Henry Ingwersen, Representative Adam Lee
From: Catherine E. Pendergast, Real Estate Commission Director
Date: October 17, 2025
Subject: Information for Commission to Recommend Methods for Preventing Deed Fraud in the State

Thank you for the opportunity to share additional information on the Real Estate Commission (REC) and its response to deed fraud. We thought the information below would be helpful to your deliberations. Additionally, the Deputy Director of the REC will be attending your meeting on Monday and can answer any questions you may have at that time.

- The REC has had no deed fraud complaints against any Maine licensee.
- If the REC received a complaint alleging deed fraud, it would be investigated. The REC has broad authority to discipline licensees. If, after an investigation, it was determined that the licensee had been negligent in an instance of deed fraud, or actively engaged in the fraud, the Commission could impose discipline. Complaints normally involve multiple violations (see potential grounds for discipline below). Discipline that could be imposed includes:
 - A warning, censure or reprimand;
 - License suspension of up to 90 days per violation;
 - Imposition of civil penalties up to \$2,000 per violation;
 - Imposition of conditions of probation which may include additional continuing education, mandatory professional or occupational supervision of the licensee, practice restrictions, and other conditions as the Commission determines appropriate; and
 - License revocation
- If there was an allegation of fraud against a licensee, in addition to discipline against their license, the REC would refer the licensee to the AAG for criminal prosecution.
- Allegations of unlicensed practice are rare. They are investigated and if not resolved quickly through licensure or stopping the activity, are referred to the AAG for criminal prosecution.

Office Location: 76 Northern Avenue, Gardiner, Maine 04345
Mailing Address: 35 State House Station, Augusta, Maine 04333
<https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission>

Phone: (207) 624-8518

TTY: Please Call Maine Relay 711

Catherine.Pendergast@maine.gov

- The REC cannot award monetary damages to any complainant. A complainant seeking reimbursement of monetary damages would need to pursue a civil action.
- Maine's authority to discipline licensees is the same as New Hampshire's with the following exceptions:
 - The maximum fine amount in NH is \$3,000 per offense, or, in the case of continuing offenses, \$300 each day the violation continues, whichever is greater
 - NH has authority over unlicensed practice. They can impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to \$10,000 for each offense, whichever amount is greater.

Statutory Authority

The authority for the REC to discipline licensees is broadly set forth in 10 M.R.S. § 8003 (5-A):

5-A. Authority of Office of Professional and Occupational Regulation. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, the Office of Professional and Occupational Regulation, referred to in this subsection as "the office," including the licensing boards and commissions and regulatory functions within the office, have the following authority.

- A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:
 - (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed;
 - (2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;
 - (3) Conviction of a crime to the extent permitted by Title 5, chapter 341;
 - (4) Any violation of the governing law of an office, board or commission;
 - (5) Any violation of the rules of an office, board or commission;
 - (6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;
 - (7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;
 - (8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;
 - (9) Noncompliance with an order or consent agreement of an office, board or commission;
 - (10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation;



- (11) Any violation of a requirement imposed pursuant to section 8003-G; or
- (12) Failure of an individual subject to Title 22, section 1711 or Title 22, section 1711-B to provide to a patient, upon written request, a copy of that patient's treatment records in accordance with the requirements of Title 22, section 1711 or Title 22, section 1711-B, whichever is applicable.

Additionally, the following grounds set forth in the Real Estate Brokerage License Act could be applicable to a deed fraud complaint:

32 M.R.S. §13067-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the commission may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

- 1. Lack of trustworthiness.** Lack of trustworthiness and competence to transact real estate brokerage services in such manner as to safeguard the interests of the public;
- 2. Misconduct.** Any act or conduct, whether of the same or different character than specified in this chapter, that constitutes or demonstrates bad faith, incompetency, untrustworthiness or dishonest, fraudulent or improper dealings;
- 3. Act that constitutes grounds for denial.** Performing or attempting to perform any act or acts for which a license may lawfully be denied to any applicant;
- 4. Substantial misrepresentation.** Making any substantial misrepresentation by omission or commission, but not including innocent misrepresentation;
- 5. Failure to protect principal.** Failing to act in a reasonably prudent manner in order to protect and promote the interests of the principal with absolute fidelity;
- 6. Failure to avoid error, exaggeration or concealment.** Failing to act in a reasonably prudent manner in order to avoid error, exaggeration or concealment of pertinent information.





Office of Professional & Occupational Regulation

Real Estate Commission
Catherine E. Pendergast, Director

Phone: (207) 624-8518
Fax: (207) 624-8637
TTY USERS CALL MAINE RELAY 711
E-Mail: Catherine.Pendergast@maine.gov

MEMORANDUM

To: Jane Towle, Real Estate Commission Member
From: Catherine E. Pendergast, Director
Date: October 30, 2025
Subject: Deed Fraud Study Commission

Real Estate Commission staff reviewed currently approved continuing education courses containing material regarding deed fraud.

Review identified 30 current courses approved between April 2024 and September 2025 that include deed fraud subject matter.

The search was based on course title. Many courses cover numerous topics, so the deed fraud could be included in additional courses.

Some course are approved by multiple sponsors and offered through in-person classes and distance education available online 24/7.

All licensee are required to complete the current core course, which includes material on deed fraud, prior to renewing their license.

Note: Syllabi from the approved continuing education classes and the current core course can be found on pages 131-169 of the combined PDF of the November 5, 2020 meeting materials archived on the Deed Fraud Commission's website at <https://legislature.maine.gov/doc/12078>.

APPENDIX F

**Information on Title Insurance and other Civil Remedies from
Carrie Cote, Esq.**

Deed Fraud Commission - September 29, 2025

Presented by: Carrie B. Cote, Esq.

Senior Underwriting Counsel, First American ME & NH

Chair, MSBA Real Estate Section & Title Standards Subcommittee

Topic: Maine Deed Fraud - Seller Impersonation Scams

Anatomy of the Scam

- Scammers are often part of organized criminal enterprises abroad or individuals hired cheaply.
- Targets include vacant land, no mortgage, elderly or out-of-state owners.
- Scammers impersonate owners, list property, forge documents, and complete fraudulent closings.

Process Breakdown

- Property Identification: Online search for vulnerable properties.
- Listing: Scammer poses as owner, contacts broker, signs documents electronically.
- Closing: Title company handles closing remotely; forged notarizations used.
- Recording & Disbursement: Fraudulent deed recorded; proceeds wired to scammer's account.
- Discovery: Real owner finds out via tax issues, sale attempts, or property activity.

Title Insurance Response

- Standard Policy: Covers pre-policy fraud (e.g., impersonation, forgery).
- Enhanced Policy: Adds post-policy forgery protection.
- Claims Process includes defending title, fixing title defect, and paying insured for loss (up to policy amount).

Examples

- Buyer pays \$60,000 for land from scammer -> Standard policy may reimburse full amount.
- Enhanced policy protects against fraud discovered after purchase.

Notes:

Notes

Deed Fraud Commission - September 29, 2025

Presented by: Carrie B. Cote, Esq.
Senior Underwriting Counsel, First American ME & NH
Chair, MSBA Real Estate Section & Title Standards Subcommittee

Declaratory Judgment - Civil Remedies

Declaratory judgments in Maine are governed by:

- Maine Revised Statutes Title 14, Chapter 707
- Maine Rules of Civil Procedure, Rule 57

Use in Real Estate Title Fraud

In cases of **deed fraud**, a declaratory judgment can:

- Declare a fraudulent deed **void**.
- Confirm the **true ownership** of the property.
- Clear the **cloud on title** caused by impersonation or forgery.

Process Breakdown

- **Draft Complaint:** Clearly state the controversy and request a declaration of rights or legal status.
- **File in the Appropriate Court**
- **Serve the Complaint:** All parties with an interest in the subject matter must be served.
- Proceed **Under Maine Rules of Court Civil Procedure Rules**
- **Record Judgment** at Registry of Deeds

Process timeline and cost:

Factors Affecting Timeline

- **Court Docket Availability:** Some counties may have more congested dockets than others.
- **Complexity of the Case:** If the fraud involves multiple parties or disputed facts, it may take longer.
- **Service of Process:** All interested parties must be properly served, which can delay proceedings.
- **Request for Expedited Relief:** You can file a **motion for expedited hearing**, especially if there's a risk of further harm (e.g., sale of fraudulently transferred property)
- **Standard Declaratory Judgment:** May take **3–6 months** from filing to judgment.
- **Expedited Process:** *If granted*, a hearing could be scheduled within **30–60 days**, especially if supported by a motion for preliminary injunction or temporary restraining order.

Estimate of Costs

➤ Court Filing Fees (as of May 1, 2025)

- **Civil case filing fee:** Approximately **\$150–\$300**, depending on the court and type of case.
- **Service of process:** \$40–\$75 per defendant if served by sheriff; more if using a private process server.
- **Certified copies or document management fees:** Additional small charges may apply.

➤ Attorney Fees

- **Hourly rates:** Typically range from **\$200 to \$600+ per hour**, depending on experience and complexity.
- **Flat fees:** Less common for declaratory judgments due to unpredictability.
- **Total cost:** A simple uncontested case may cost **a few thousand dollars**; a contested or complex case could exceed **\$10,000–\$20,000**.

Brainstorming: (some ideas from other real estate attorneys that I have polled about possible fixes)

- **Shortened judicial process akin to Protection from Abuse orders and Detainer and Entry orders**
- **Create a fund to assist with cost**
- **Create an “undoing” process where no judicial intervention is needed**
 - **Create a review board that can sign off on a certification that can be relied upon to invalidate the fraudulent deed and provide notice of fraudulent deed.**
 - **Defrauded parties sign a form that gets presented for review, and board provides a quick response. It could be recorded or it could be used to enable Registrars to redact a fraudulent deed.**

APPENDIX G

Staff handout: Criminal Penalties for Deed Fraud Overview

Commission to Recommend Methods for Preventing Deed Fraud in the State

Criminal Penalties for Deed Fraud Overview

Section 5 of the resolve directs the commission to examine the sufficiency of state laws and practices related to existing criminal penalties potentially applicable to perpetrators of deed fraud. As a preliminary step in accomplishing this task, the Office of Policy and Legal Analysis (OPLA) has gathered several state criminal statutes for the commission's reference. These statutes were highlighted in the attached public testimony provided by both the Criminal Law Advisory Commission and the Maine Association of Criminal Defense Lawyers related to LD 2240, *An Act to Implement Protections Against Deed Fraud*, which was considered by the 131st Legislature.

Aggravated Forgery - 17-A MRS §702

1. A person is guilty of aggravated forgery if, with intent to defraud or deceive another person or government, he falsely makes, completes, endorses or alters a written instrument, or knowingly utters or possesses such an instrument, and the instrument is:
 - A. Part of an issue of money, stamps, securities or other valuable instruments issued by a government or governmental instrumentality;
 - B. Part of an issue of stocks, bonds or other instruments representing interests in or claims against an organization or its property
 - C. A will, codicil or other instrument providing for the disposition of property after death;
 - D. A public record or an instrument filed or required or authorized by law to be filed in or with a public office or public employee.
2. Aggravated forgery is a Class B crime.

Suppressing a Recordable Instrument – 17-A MRS §706

1. A person is guilty of suppressing a recordable instrument if, with intent to defraud anyone, he falsifies, destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording, whether or not it is in fact recorded.
2. Suppressing a recordable instrument is a Class E crime.

Falsely Filing a Recordable Instrument – 17-A MRS § 706-A

1. A person is guilty of falsely filing a recordable instrument if, with intent to defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage, security instrument or other writing for which the law provides public recording, knowing or believing the writing to be false or without legal authority.
2. Falsely filing a recordable instrument is a Class D crime.

Commission to Recommend Methods for Preventing Deed Fraud in the State

Theft by Deception – 17-A MRS §354

1. A person is guilty of theft if:
 - A. The person obtains or exercises control over property of another as a result of deception and with intent to deprive the other person of the property. Violation of this paragraph is a Class E crime; or
 - B. The person violates paragraph A and:
 - (1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;
- ...
2. For purposes of this section, deception occurs when a person intentionally:
 - A. Creates or reinforces an impression that is false and that the person does not believe to be true, including false impressions that the person is a veteran or a member of the Armed Forces of the United States or a state military force and false impressions as to identity, law, value, knowledge, opinion, intention or other state of mind; except that an intention not to perform a promise, or knowledge that a promise will not be performed, may not be inferred from the fact alone that the promise was not performed;
 - B. Fails to correct an impression that is false and that the person does not believe to be true and that:
 - (1) The person had previously created or reinforced; or
 - (2) The person knows to be influencing another whose property is involved and to whom the person stands in a fiduciary or confidential relationship
 - C. Prevents another from acquiring information that is relevant to the disposition of the property involved; or
 - D. Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property that the person transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid, or is or is not a matter of official record.
3. It is not a defense to a prosecution under this section that the deception related to a matter that was of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception.

False Swearing - 17-A MRS §452

1. A person is guilty of false swearing if:
 - A. The person makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and the person does not believe the statement to be true, provided
 - (1) the falsification occurs in an official proceeding as defined in section 451, subsection 5, paragraph A, or is made with the intention to mislead a public servant performing the public servant's official duties; or
 - (2) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

Commission to Recommend Methods for Preventing Deed Fraud in the State

B. The person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the person to be true. In a prosecution under this subsection, it need not be alleged or proved which of the statements is false, but only that one or the other was false and not believed by the defendant to be true.

2. It is an affirmative defense to prosecution under this section that, when made in an official proceeding, the defendant retracted the falsification in the course of such proceeding before it became manifest that the falsification was or would have been exposed.

2-A. In a prosecution under subsection 1, paragraph A, evidence that the allegedly false testimony or statement in the prior official proceeding or before a notary or other person authorized to administer oaths was contradicted by evidence in that proceeding may not be a sufficient basis by itself to sustain a conviction for false swearing.

3. It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not a competent witness in making the statement or was disqualified from doing so. A document purporting to be made upon oaths or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

3. False swearing is a Class D crime.

Unsworn Falsification – 17-A MRSA §453

1. A person is guilty of unsworn falsification if:

- A. He makes a written false statement which he does not believe to be true, on or pursuant to, a form conspicuously bearing notification authorized by statute or regulation to the effect that false statements made therein are punishable;
- B. With the intent to deceive a public servant in the performance of his official duties, he
 - (1) makes any written false statement which he does not believe to be true, provided, however, that this subsection does not apply in the case of a written false statement made to a law enforcement officer by a person then in official custody and suspected of having committed a crime, except as provided in paragraph C; or
 - (2) knowingly creates, or attempts to create, a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - (3) submits or invites reliance on any sample, specimen, map, boundary mark or other object which he knows to be false; or
- C. With the intent to conceal his identity from a law enforcement officer while under arrest for a crime, after having been warned that it is a crime to give false information concerning identity, he gives false information concerning his name or date of birth, including, but not limited to, a signature.

2. Unsworn falsification is a Class D Crime.

Commission to Recommend Methods for Preventing Deed Fraud in the State

Maine Criminal Code Background

The Maine Criminal Code categorizes crimes into five classes based on severity, ranging from Class E (least serious) to Class A (most serious). The maximum prison sentence and fine a person can receive depend on the class of the crime they are convicted of with higher classes carrying harsher maximum penalties. Additionally, a court may sentence an individual to probation as part of a sentencing alternative which similarly has limits on the length of probation based on the class of crime. Below is a chart detailing the maximum limits on terms of imprisonment, fines and probation based on the class of crime committed. Please note that this is intended as a general overview and there are exceptions and carve-outs to these general principles.

17-A MRSA §§1604, 1704, 1804	
Class of Crime	Maximum Penalties
A	30 years of incarceration \$50,000 fine 4 years of probation
B	10 years of incarceration \$20,000 fine 3 years of probation
C	5 years of incarceration \$5,000 fine 2 years of probation
D	1 year of incarceration \$2,000 fine 1 year of probation
E	6 months of incarceration \$1,000 fine 1 year of probation

The class of crime can also determine an individual's place of imprisonment. Generally, the court will specify a county jail as a place of imprisonment for Class D or E crimes. If an individual is convicted of multiple crimes and the terms of imprisonment run consecutively for more than one year or more, they may be placed in a state prison. For Class A, B or C crimes, the court shall specify a county jail of imprisonment if the term is 9 months or less or to a state prison if the term of imprisonment is more than 9 months.

APPENDIX H

Links to Educational Materials Gathered by Commission Members

Links to Deed Fraud Educational Materials Gathered by Commission Members

- **Multiple Audiences**
 - “What is Deed Fraud” published by AARP, ALTA, MBA, NAR, NNA, PRIA, is available at <https://www.alta.org/file/What-is-Deed-Fraud.pdf>
- **Consumers**
 - Fraud Alert: “Be a Savvy Consumer & Protect Yourself from Seller Impersonation” published by ATLA, is available at <https://www.alta.org/file/Seller-Impersonation-Savvy-Consumer>
 - Fraud Alert: “Combating Seller Impersonation Fraud & Benefits of ALTA’s Policy of Homeowner’s Title Insurance” published by ATLA, is available at <https://www.alta.org/file/Combating-Seller-Impersonation-Fraud>
 - “How ALTA Safeguards Homeowners: Fighting Seller Impersonation Fraud with Title Insurance” published by ALTA, is available at <https://www.alta.org/file/ALTA-Fraud-Policy-Forms-One-Pager.pdf>
 - A copy of “Fraud Awareness & Alerts,” a draft educational pamphlet currently being developed by the Maine Registry of Deeds Association, is included on pages 126-127 of the combined PDF of the November 5, 2025 meeting materials, which is available on the Deed Fraud Commission’s website at <https://legislature.maine.gov/doc/12078>.
- **Real estate licensees and other real estate professionals**
 - A copy of the “Red Flags and Best Practices” handout, published by Maine Listings, is included on page 128 of the combined PDF of the November 5, 2025 meeting materials, which is available on the Deed Fraud Commission’s website at <https://legislature.maine.gov/doc/12078>.
 - “Seller Impersonation Fraud in Real Estate” published by ALTA, is available at <https://www.alta.org/business-operations/marketing/unbranded/usa-seller-impersonation-fraud-in-real-estate.pdf>
 - Copies of articles by the Real Estate Commission that have been published in Realtor Magazine —“Fraud/Scam Alert” (August 2023); “Scam Alert” (November 2023); “Due Diligence” (February 2024); “Fraudsters are Stealing Land Out from Under Owners” (May 2025) — are included on pages 170-177 of the combined PDF of the November 5, 2025 meeting materials, which is available on the Deed Fraud Commission’s website at <https://legislature.maine.gov/doc/12078>.
 - Information about the Real Estate Commission’s core continuing education course for real estate licensees as well as a number of approved continuing education courses for real estate licenses that address deed fraud is included on pages 131-169 of the combined PDF of the November 5, 2025 meeting materials, which is available on the Deed Fraud Commission’s website at <https://legislature.maine.gov/doc/12078>.
- **Notaries public**
 - “Tips for Checking State Identification Cards During an In-Person Notarization” published by ALTA and the National Notary Association, is available at <https://www.alta.org/file/Tips-for-Checking-State-Identification-Cards-During-an-In-Person-Notarization.pdf>

APPENDIX I

Staff handout: Examples of Recently Enacted Deed Fraud Legislation in Other States

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
Georgia HB 1292 (2023-2024 Session) <i>Effective Jan. 1, 2025</i>	<p>Self-Filer Requirements (new)</p> <ul style="list-style-type: none"> • “Self-filer” definition: any party to an instrument conveying, transferring, encumbering or affecting real (and personal) property (including deeds, mortgages, liens, plats) — <u>except</u>: <ul style="list-style-type: none"> ○ an agent of a federally insured bank or credit union; ○ an agent of a mortgage lender or mortgage servicer; ○ a public official performing their official duties; and ○ the following Georgia-licensed professionals and their representatives: title insurers; attorneys; real estate brokers or salespersons; and professional land surveyors. • Self-filers must use electronic filing (requires identify verification – see below) for recording • Journal for self-filer notarizations: A notary must maintain in a written or electronic journal of all notarial acts performed at the request of a self-filer. The journal must contain the following information for of these notarial acts: <ul style="list-style-type: none"> ○ self-filer’s name, address and telephone number; ○ whether notary had personal knowledge of the self-filer’s identity or the type of government-issued photo ID presented by the self-filer, including any identifying number on the ID; ○ self-filer’s signature; ○ date, time and location of notarization; and ○ type of document presented for notarization. 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ What categories of filers should receive extra scrutiny when recording or having documents notarized? What type of scrutiny should apply? <p>Current Maine law:</p> <p>In Maine, notaries must keep journals for remote or electronic notarizations. Maine’s required journal details mirror those in the Georgia law (except the notary’s fee must also be noted in Maine). 4 M.R.S. §1920(3).</p> <ul style="list-style-type: none"> ❖ Should a journal also be required for some or all in-person notarizations?
	<p>Electronic Recording — Identity Verification (new)</p> <ul style="list-style-type: none"> • Identity verification: The Georgia Superior Court Clerks’ Cooperative Authority must adopt rules requiring all individuals who electronically record documents to first have their identity verified by submitting a government-issued ID (driver’s license, passport, military ID, or non-driver ID card) • Verification process: Under the rules, the Authority must verify a self-filer’s identity by collecting the self-filer’s demographic information and a digital copy of the self-filer’s valid, government-issued ID, which information the Authority may share with third parties for validation purposes. • Confidentiality: Identity information submitted by an individual who is seeking authority to electronically record documents is confidential and may be released only: <ul style="list-style-type: none"> ○ to law enforcement investigating potential crimes; ○ in response to a subpoena, discovery request or court order; ○ to a person who holds a recorded interest in property subject to a document electronically recorded by the individual; ○ to a person named as a party in any electronic document submitted for recording by that particular individual 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ How will adoption of an identity verification system be funded? ❖ What process should be used for verifying the identity of e-filers? Should the process be specified in statute or in rule (if in rule, who should adopt the rule)? Is it possible to use a program currently approved in Maine for identity verification during remote notarizations? ❖ What confidentiality protections should apply to identity documents?

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
Georgia (cont'd)	<p>Notary Requirements (new)</p> <ul style="list-style-type: none"> • <u>Journal for self-filer notarizations</u>: Notaries must maintain journals of all notarial acts performed for self-filers as described above • <u>Identity verification</u>: if a notary lacks personal knowledge of a document signer's, oath taker's or affiant's identity, the notary must verify the person's identity with a government-issued photo ID • <u>Notary education</u>: Notaries must complete an approved "educational training class related to the duties of notaries public" prior to their initial appointment and within 30 days of each renewal 	<p>Current Maine law:</p> <ul style="list-style-type: none"> ❖ Journals – see above ❖ Notaries may verify an individual's identity using personal knowledge; a government ID with a photo and signature; or verification by a credible witness. 4 M.R.S. §1907 ❖ A notary public (but not a judge, lawyer or other notarial officer) must pass an examination covering a course of study approved by the Secretary of State. 4 M.R.S. §1923.
	<p>Civil Remedies for Deed Fraud</p> <ul style="list-style-type: none"> • <u>Attorney Fees – quiet title actions</u>: A complainant in a quiet title action is entitled to an award of attorney's fees and costs in any case "where it is found that the defendant fraudulently created the instrument that is sought to be cancelled." • <u>New deed-fraud-specific cause of action</u>: An owner of real property may bring an action against an individual who has "knowingly" filed or recorded or caused to be filed or recorded "a false or forged deed or other instrument" transferring or encumbering the owner's interest in the property. <ul style="list-style-type: none"> ○ <u>Relief</u>: actual damages or \$5,000, whichever is greater, plus attorney's fees and costs • <u>Immunity</u>: The new cause of action may not be brought against a public official (including recording clerk) for actions taken in the performance of the official's duties 	<p>Sample issues to address for a new cause of action:</p> <ul style="list-style-type: none"> ❖ What mental state is required? ❖ What types of relief are available: recorded declaration the deed is void? damages – actual, statutory or punitive? attorney's fees and costs (to whomever prevails)? ❖ May a later purchaser bring a damages action? ❖ Should the proceeding be expedited? Jt. Rule 318
	<p>Unsolicited Real Estate Purchase Offers – Warnings Required</p> <ul style="list-style-type: none"> • <u>Warning</u>: Amends Fair Business Practices Act (which already required other warnings) to require that any unsolicited written monetary offer to buy real property — by a person who is not a licensed attorney, residential contractor, real estate broker or salesperson — include a specific statement that the offer may or may not be the fair market value of the property and, if the offer is less than the previous year's assessed tax value, the offer must state that fact using prescribed statutory language (both statements must be in capital letters). 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Does this address deed fraud? ❖ What warnings should be required and in what circumstances? ❖ What penalties should apply? (Maine's Unfair Trade Practices

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
Georgia (cont'd)	<ul style="list-style-type: none"> <u>Civil penalty:</u> Violations of these requirements are unfair and deceptive trade practices for which victims may bring a civil action to recover treble (3x) damages or \$600, whichever is greater <u>Criminal penalty:</u> Violation of these warning requirements is also a misdemeanor 	Act is enforceable civilly and can lead to equitable relief, actual damages and fines - not criminal penalties).
Illinois <u>Public Act 104-382</u> <i>Effective Jan. 1, 2026</i> Notes: ★ <u>Public Act 103-400</u> (eff. Jan. 1, 2024) had authorized but did not require recorders to create fraud referral and review processes.	<p>County Recorder Fraud Referral and Review Process</p> <ul style="list-style-type: none"> <u>Process required:</u> County recorders must establish a fraud referral and review process <u>Referral determination:</u> A recorder who, after review by legal counsel, reasonably believes that a “filing may be fraudulent, unlawfully altered, or intended to unlawfully cloud or transfer the title of any real property” may refer the document to an administrative law judge (ALJ) for review. Factors the recorder may consider in making this determination include (there are more!) whether: <ul style="list-style-type: none"> The property owner reports someone is attempting to record a fraudulent deed on the property Law enforcement indicates they have probable cause to suspect title or recording fraud; The document is a deed not properly signed by last legal owner of record or their agent; The documents dispute a foreclosure proceeding but are not also filed with the foreclosure court or the documents claim that a bank cannot hold title after foreclosure; The documents are intended to re-record deeds in order to re-notarize a notary certificate that appeared valid when originally recorded; and The document is filed with the intent to harass or defraud: (a) the person identified in the record; (b) any person; or (c) a government official (including the recorder). <u>Notice of referral:</u> Prior to referral, the recorder must notify the last owner of record of the document(s) suspected to be fraudulent. The owner may confirm the suspicion of fraud and request the recorder refer the document(s) for review. A recorder who makes a referral to an ALJ: <ul style="list-style-type: none"> Shall record a “Notice of Referral” identifying the document and date of referral; Shall use county tax records to identify and notify the last owner of record by telephone and certified mail and also send notice by mail to the physical address of the property; and May notify law enforcement officials regarding the suspected fraudulent filing. <u>Process:</u> The ALJ must conduct a hearing within 30 days of receiving the referral. Notice of the hearing must be provided to the filer, the legal representative of the recorder of deeds and the last owner of record. The ALJ’s decision may be appealed to the circuit court for a de novo review. <u>Remedy:</u> If the ALJ finds “clear and convincing evidence” that the document is fraudulent, the recorder shall within 5 business days record with a copy of the judgment along with a statement that the document is fraudulent and does not affect the chain of title. An ALJ decision that the document is legitimate must also be recorded but does not preclude a criminal investigation or criminal charges. 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Potential state mandate — requiring 2/3 vote or funding ❖ What additional resources (if any) would be required for registers to undertake this duty? ❖ If the register’s decision is not meant to be discretionary, the statute should clearly specify the factors that lead to referral and those factors should be objective (not subjective). <i>Compare Texas on pages 7-8</i> ❖ To whom should referrals be made for a decision (Maine does not have county ALJs)? ❖ What should be the legal effect of recording the ultimate decision that a document is fraudulent, does it affect: title insurance or protections for good faith purchasers for value? does it have any legal effect in other proceedings? <i>Compare Texas on pages 7-8</i>

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
Illinois (cont'd) ★ Public Act 99-75 (eff. Jan. 1, 2016) had authorized but did not require counties to establish property fraud alert systems	<p>County Recorder Property Fraud Alert System</p> <ul style="list-style-type: none"> • <u>Process required:</u> County recorders must establish an automated system that informs a property owner by e-mail, phone or mail when a recording is made relating to a registered property • <u>Registration:</u> A property owner (or real estate professional) may register a property using a form created by the county. The owner must sign the form, which must state: <ul style="list-style-type: none"> ○ the property owner's name and mailing address; ○ the Property Index Number or unique parcel identification code of the property; ○ the email, mailing address or telephone number to which the alert should be sent (to the property owner and up to 3 other recipients). • <u>Warnings to property owner:</u> The registration form must describe the system and its cost and clearly explain that the recorder, third-party vendor, real estate professional and their employees are not liable if the system fails to alert the owner of a recorded document. • <u>Immunity:</u> absent willful and wanton misconduct, a county, recorder, third-party vendor, real estate professional and their employees are not liable for any error or omission in registering a property or for damages caused by the failure to alert the property owner of a recorded document 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Potential state mandate — requiring 2/3 vote or funding ❖ What additional resources (if any) would be required for all counties to adopt this system? ❖ Who should be able to register a property and receive an alert: record owner (even if property is mortgaged)? mortgagee? anyone else? ❖ May counties charge a fee for the alert system?
	<p>Private Right of Action for Deed Fraud (new)</p> <ul style="list-style-type: none"> • <u>New cause of action:</u> The rightful property owner may bring an action against a person who “knowingly” records a deed or instrument “that is fraudulent, unlawfully altered, or intended to unlawfully cloud or transfer the title of any real property.” <ul style="list-style-type: none"> ○ <i>Remedies:</i> The court may award “such legal or equitable relief as may be appropriate.” 	<p>See sample issues to address for a new cause of action (page 2)</p>
Michigan P.A. 2024, No. 154 (HB 5598) <i>Effective April 2, 2025</i>	<p>Expanded / New Criminal Penalties</p> <p>Since 1883, a person who recorded any conveyance of real estate “with intent to deceive any person as to the <i>identity of the grantor</i> mentioned in such conveyance” was guilty of a felony punishable by ≤ 3 years of imprisonment and/or a fine of $\leq \\$5,000$. The new law, effective April 2, 2025:</p> <ul style="list-style-type: none"> • <u>Broader scope:</u> Applied this crime to a person who records a conveyance of real estate “with intent to deceive any person as to the <i>veracity of the document</i> recorded.” (Existing penalties retained.) • <u>New Crime:</u> A person who “knowingly and willfully drafts or submits a document to be filed and recorded . . . with intent to defraud the owner of real estate or the owner of an interest in real estate” is guilty of a felony punishable by ≤ 10 years of imprisonment and/or a fine of $\leq \\$5,000$. • <u>Notice to prosecutor:</u> A register <i>may</i> provide evidence to a county prosecutor if the register “believes a document was submitted to the register of deeds in violation” of either of these crimes. 	<p>Current Maine law: Falsely filing a recordable instrument with intent to defraud, harass or intimidate and with knowledge the instrument is false or lacks legal authority — is a Class D crime (<1 year; $\leq \\$1,000$ fine)</p> <ul style="list-style-type: none"> ❖ Is a new crime needed to capture different conduct or are increased penalties desirable in specific circumstances? ❖ Would a law stating that a register may report suspicious filings be helpful?

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
New York Laws 2023, ch. 630 (S 6577) <i>Effective Dec. 14, 2023</i>	<p>Stay of cases involving property rights</p> <ul style="list-style-type: none"> • Possession and quiet title actions: A court must stay an action to recover possession of (including evictions, foreclosures, etc.) or quiet title related to a residential dwelling unit or property: <ul style="list-style-type: none"> ◦ During the pendency of a good faith <i>investigation</i> by a federal, state or local government agency into theft or fraud in the title to or financing of the premises; ◦ If a party is subject to a <i>pending charge</i> of deed theft, larceny, offering a false instrument for filing, possession of stolen property or another offense involving title theft or fraud; or ◦ If a federal, state or local government agency has commenced a <i>civil action</i> relating to theft or fraud in the title to or financing of the premises. • Eviction actions: A court must stay an eviction action related to a residential dwelling unit or property for 90 days (stay is renewable) to allow a party to file a complaint in the appropriate court when there is a bona fide dispute between the parties regarding ownership of the property. <ul style="list-style-type: none"> ◦ There is a <i>rebuttable presumption</i> of a bona fide dispute if the party disputing the petitioner's title owned the property in the last 3 years or is a beneficiary of the estate of such a person. 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ What types of cases should be subject to a stay (consider what impact the stay may have on the parties to that case)? ❖ What circumstances should lead to a stay? (investigations, pending criminal charges, certain types of civil actions?) must a party to the case being stayed be involved in the other matter? ❖ How will court learn of those circumstances? ❖ How long should stay last?
	<p>Lis Pendens</p> <ul style="list-style-type: none"> • A prosecutor may file a “notice of pendency” (giving constructive notice to any purchaser of the pendency of a proceeding or potential claim, similar to a lis pendens) in the property registry if: <ul style="list-style-type: none"> ◦ There is <i>probable cause</i> that a crime involving title to, incumbrance of, or possession of real property has occurred. The notice expires after 6 months but may be renewed twice; or ◦ A <i>criminal complaint or indictment</i> alleging a crime affecting the title to, incumbrance of or possession of real property has been filed. The notice lasts until the criminal case concludes. 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ What circumstances should be grounds for filing such a notice? and who files the notice? ❖ How long does the notice last? ❖ Will the notice have any lingering effects on the title?
	<p>Loss of Good Faith Purchaser Protection in Certain Transactions Involving Mortgaged Property</p> <p>Prior law protected the rights of a purchaser of real property for valuable consideration unless the purchaser had actual or constructive notice either of the fraudulent intent of the immediate grantor or of fraud rendering the grantor's title void. The new law, effective Dec. 14, 2023:</p> <ul style="list-style-type: none"> • Establishes a <i>rebuttable presumption</i> that the purchaser had notice of fraud or fraudulent intent in the sale of real property subject to a mortgage unless the transfer was accompanied by the recording of a written statement from the mortgagee indicating either that the mortgage has been satisfied or that the buyer has assumed the mortgage debt. <ul style="list-style-type: none"> ◦ <i>Exception:</i> This rebuttable presumption does not apply if the purchaser and seller were “associated parties” – spouses, ex-spouses, parents and children, siblings, or a family trust or wholly owned LLC. 	<p>Note: A rebuttable presumption shifts the burden of proof. Here, it shifts the burden to a purchaser who wants their interest in the property protected to prove they lacked notice of the fraud.</p> <p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Does Maine law currently protect a purchaser if the seller's title was void (ex: forged deed)? ❖ When should such a rebuttable presumption apply? exceptions?

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
New York (cont'd)	<p>Impact of criminal conviction for deed fraud</p> <ul style="list-style-type: none"> • Action to Void Instrument: If a defendant is convicted of “any crime that affects the title to, encumbrance of, or the possession of real property,” a prosecutor or law enforcement agency may file an action o/b/o the victim to void an instrument material to the offense. (The prior version of this law, enacted in 2019, applied only to criminal convictions for filing a false instrument.) <ul style="list-style-type: none"> ○ Notice must be given to: the last record owner of the property, the current resident and any resident during the pendency of the prosecution, anyone with an unsatisfied lien against the property, and all parties who have recorded an instrument affecting title to the property. Notice must also be recorded in the county registry within 10 days. ○ After a hearing (at which there is a rebuttable presumption that the instrument is void) the court may enter an order declaring the instrument void ab initio or grant other appropriate relief. Notice of the judgment must be recorded in the county registry. • Quiet title action: In a quiet title action, there is a <i>rebuttable presumption</i> that a particular deed transfer was fraudulent if a person has been convicted of a crime involving either deed theft or a fraudulent transaction involving real property involving that deed transfer. 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Who may file the action (only prosecutor, also victim?) and if a prosecutor, is this discretionary? ❖ What specific convictions qualify? How does one prove that the crime was related to a specific recorded instrument? ❖ What relief should be available? Should the effect of the recorded order (on title insurance, future purchasers, etc.) be stated? <p>Note: Rebuttable presumptions shift the burden of proof.</p>
Laws 2024, ch. 56, pt. O (S8306-C) <i>(part of a budget bill)</i> <i>Effective July 19, 2024</i>	<p>Criminal penalties – Deed Theft</p> <ul style="list-style-type: none"> • Definition: Establishes a new type of larceny entitled “deed theft” committed when a person: <ul style="list-style-type: none"> ○ with the intent to deceive, defraud or unlawfully transfer or encumber real property, intentionally alters, falsifies, forges or misrepresents a written instrument involved in the conveyance of financial of real property; or ○ with intent to defraud, either (a) misrepresents themselves as the owner or authorized representative of the owner of real property to induce others to rely on the misrepresentation to obtain ownership or possession of the property or (b) takes, obtains or transfers title or ownership of real property by any fraudulent or deceptive practice (including forgery). • Penalties: deed theft is “grand larceny” punishable as follows: <ul style="list-style-type: none"> ○ <i>First degree grand larceny</i> (≤ 25-year sentence + fine): if the property is occupied residential real property; residential real property owned by elderly, incompetent, incapacitated or physically abused person; or ≥ 3 residential real properties ○ <i>Second degree grand larceny</i> (≤ 15-year sentence + fine): if the property is residential real property; mixed-use property with ≥ 1 residential unit; or ≥ 2 commercial properties ○ <i>Third degree grand larceny</i> (≤ 7-year sentence + fine): if the property is commercial • Statute of limitations: Although prosecutions for felonies generally must be commenced within 5 years of the commission of the crime, a prosecution for “deed theft” or “where there is fraud in connection with a transaction involving real property” may <u>also</u> be commenced within 2 years after the facts constituting the crime are discovered by the victim. • Prosecution: In addition to a district attorney, the attorney general may prosecute deed theft crimes 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Compare to existing Maine crimes (see page 4 above). Is a new crime needed to capture different conduct or are increased penalties desirable in specific circumstances? ❖ What should the penalties be and in what circumstances? <p>Note: the penalties for many theft offenses (in both Maine and New York) depend on the value of the property; in this NY law, the penalties depend on the type of property and type of victim.</p> <p>Note: In Maine, Class A, B & C crimes (felonies) must be brought within 6 years and Class D & E crimes (misdemeanors) must be brought within 3 years of the date the crime is committed (not when it is reasonably discovered).</p>

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
<p>Texas</p> <p>Acts 2025, 89th Leg., ch. 321 (S.B. 1734) and Acts 2025, 89th Leg., ch. 773 (S.B. 647)</p> <p><i>Both effective September 1, 2025</i></p>	<p>Recording of presumptively fraudulent instruments or documents</p> <p>Under a law originally enacted in 1997 and amended in 2005 and 2007, if there is a reasonable basis to believe in good faith that document or instrument purporting to create a lien against or assert a claim to or interest in real property submitted for recording is fraudulent, the <u>clerk must provide notice</u> of the submission to the last known address of the person named in the document as the obligor and any person named as owning an interest in the property.</p> <p>This prior law also established a presumption that documents or instruments were fraudulent in certain, limited circumstances and provided that a <u>title insurer</u> does not have a duty to disclose a presumptively fraudulent recorded document or instrument in connection with a sale, conveyance, mortgage or other transfer of real property or an interest in real property.</p> <p>Effective September 1, 2025:</p> <ul style="list-style-type: none"> • <u>New presumptions of fraud:</u> <ul style="list-style-type: none"> ○ <i>Criminal conviction:</i> A document or instrument is presumed to be fraudulent if it purports to convey title to or an interest in real property and a person has been convicted of certain crimes (including theft, fraud and perjury) with respect to the document or instrument; or ○ <i>Uncontroverted owner affidavit:</i> The owner of the property files an affidavit for recording asserting that a specific recorded document or instrument is fraudulent along with a certificate of mailing showing that they sent a copy of the affidavit by registered or certified mail to the grantor and grantee named in the document or instrument. The presumption of fraud applies if neither the grantor or grantee files a “controverting affidavit” asserting that the conveyance in the document or instrument is valid within 120 days. • <u>New presumptions against fraud:</u> <ul style="list-style-type: none"> ○ <i>Additional documentation:</i> A document or instrument is presumed not to be fraudulent if certain additional documentation is provided to the recording clerk (ex: sale contract containing the signature of the property owner). This documentation is confidential. ○ <i>Certain filers:</i> A document or instrument is presumed not to be fraudulent if it is filed by a person engaged solely in the business of providing services in connection with the transfer of real property (including an attorney, title agent, title company or escrow company). • <u>Notice of presumptively fraudulent instrument or document:</u> In addition to notifying the named obligor and property owner that an instrument or document is presumptively fraudulent, the clerk must also notify (a) the named grantor, (b) the named grantee, and (c) the last known owner of the property if their address is different from the address of the named grantor, obligor or debtor. • <u>Other required actions by recording clerk:</u> If the clerk reasonably believes that a document or instrument submitted for recording is fraudulent the clerk shall: <ul style="list-style-type: none"> ○ Request the assistance of a local prosecutor to determine whether the document or instrument is fraudulent before recording the document; and 	<p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ Potential state mandate — requiring 2/3 vote or funding ❖ What additional resources (if any) would be required for registers to undertake these duties (to make decisions on presumed fraud, notify record owners of presumed fraudulent documents, to refer cases to prosecutors and to retain additional documents that must be kept confidential)? ❖ What circumstances should give rise to a presumption of fraud? Note: these presumptions in Texas appear to rely on objective facts that do not require register discretion to apply — but how does the register know of a particular criminal conviction or that it involved a specific recorded instrument? ❖ What should be the legal effect of a presumption of fraud? Note: in Texas, a title insurer does not have to disclose its existence (but how does the insurer know of the presumption?). only if certain additional steps occur, the clerk must refuse to record the document. <i>See below for the process to obtain a court order for recording in the registry</i> ❖ Should registers be permitted or required to refuse to record an instrument? If so, in what circumstances?

Examples of Recently Enacted Deed Fraud Legislation in Other States

State	Summary of Recently Enacted Legislation	Considerations for Maine
Texas (cont'd)	<ul style="list-style-type: none"> ○ Request additional documentation from the prospective filer (ex: ex: contract for sale or lien containing the signature of the property owner) and forward any additional documentation received to the local prosecutor. This documentation must otherwise be kept confidential. ● <u>Refusal to record</u>: the clerk must refuse to record a document or instrument if: <ul style="list-style-type: none"> ○ The local prosecutor finds probable cause that the document or instrument is fraudulent; or ○ The prospective filer refuses to provide the additional documentation requested by the clerk. ● <u>Immunity</u>: A clerk who in good faith records or refuses to record a document or instrument as described above is immune from civil liability and any adverse employment action on that basis. 	<ul style="list-style-type: none"> ❖ What happens if a document is both presumed fraudulent and presumed not to be fraudulent? ❖ What happens if a document is not recorded based on probable cause of a crime, but the crime is not prosecuted or the defendant is acquitted?
	<p>Action on fraudulent conveyance (new)</p> <ul style="list-style-type: none"> ● <u>Process</u>: An owner of real property may file a verified court petition challenging the validity of a document or instrument purporting to convey title to or an interest in real property. <ul style="list-style-type: none"> ○ The petition must be accompanied by an affidavit asserting that the document or instrument is presumed to be fraudulent on (a) a criminal conviction or (b) an uncontested owner affidavit (as these presumptions are described above). ○ “The court may “without delay or notice of any kind” review the verified petition, affidavit, challenged document or instrument, any other supporting evidence submitted by the petitioner and any relevant public records. ○ The court must issue findings of fact and conclusions of law stating whether the document or instrument does or does not convey title to or an interest in the real property (depending on whether a presumption of fraud was appropriately triggered by a criminal conviction or uncontested owner affidavit). ○ A copy of the court’s order must be: (a) sent to the petitioner; (b) sent to the person who filed the challenged document or instrument in the registry; and (c) recorded in the registry. ● <u>Effect of recorded order</u>: <ul style="list-style-type: none"> ○ A bona fide purchaser or mortgagee for value (or their successors) “may rely conclusively” on the district court’s recorded findings of fact and conclusions of law that a specific document or instrument does not convey title to or interest in the described real property. ○ The recorded court order must state that the court “makes no finding as to any underlying claims of the parties involved.” 	<p>Compare Illinois: In Illinois the <u>register</u> must refer a document based on somewhat <u>subjective</u> factors; the ALJ then decides after <u>notice</u> to interested parties and <u>a hearing</u>. In Texas, the factors for a presumption of fraud are more <u>objective</u>, a <u>party</u> refers the matter to a court and the court may decide <u>without notice or hearing</u>.</p> <p>Sample issues to address:</p> <ul style="list-style-type: none"> ❖ What should be the grounds for a court order that a conveyance is invalid? (If Maine follows Texas, how will the court know a crime involved a specific instrument? In a case based on an uncontested owner affidavit, does it matter if the grantor and grantee in fact received notice of the initial owner’s affidavit?) ❖ What should be the legal effect of the order (title insurance, good faith purchasers for value, effect on other proceedings)? ❖ Who may bring the action and what court processes apply?

APPENDIX J

Draft Report of the Uniform Law Commission's Deed Fraud Study Committee

Draft 8/31/2025

To: **Scope and Program Committee**
Uniform Law Commission

From: **Deed Fraud Study Committee**
Cliff McKinney, Chair
Julie Forrester Rogers, Reporter

Date: **October __, 2025**

Re: **Report and Recommendations for Drafting Committee**

Background

In October of 2024, the Joint Editorial Board for Uniform Real Property Act (JEBURPA) recommended the appointment of a study committee to consider the advisability and scope of a possible uniform or model act on the subject of deed fraud. In his letter to the Scope and Program Committee, Wilson Freyermuth, Executive Director of JEBURPA, described the problem as follows:

Deed fraud occurs when a person (the “fraudster”) executes and records a deed that purports to be a bona fide conveyance of real estate (typically a deed or a mortgage) by the record owner, but without having any authority from the record owner to do so.

Commonly, the victim of deed fraud will be the owner of undeveloped real property or real property that is developed but not owner-occupied. The fraudster may impersonate the record owner and execute and record a deed purporting to convey the property to a third-party buyer unaware of the fraudster’s true identity. [For this reason, deed fraud is often referred to as seller impersonation fraud.] Alternatively, the fraudster may forge and record a deed by which the record owner purports to convey the property to the fraudster, who in turn may act either to sell the property to an unsuspecting third party or to obtain a mortgage loan against the property from a bank or other lender (without having any intention to repay the loan). . . .

Existing common law in every American jurisdiction is clear that a forged or unauthorized deed or mortgage is void and passes no valid interest, and that such a deed is invalid even as against a subsequent good faith purchaser for value. Yet deed fraud remains a persistent problem, in part because there are practical reasons why it often works. Often victims are unadvised or poorly advised, and thus may be victimized by a family member that obtains a mortgage loan on the property. Such victims may incorrectly believe that the mortgage is valid and fail to contest it (either prior to a foreclosure sale or thereafter) until an action to contest it is legally

precluded. In other circumstances, the fraud may work because the fraud involves undeveloped land or land of which the rightful owner is not in possession. By the time that the rightful owner discovers the recording of the fraudulent deed, the fraudster has typically transferred some right in the property to a third party (who in turn may have made good faith improvements on the property that could give rise to equities in the third party's favor). In extreme cases, a victim's rightful ownership might eventually be extinguished by virtue of adverse possession.

Even a vigilant record owner who timely asserts his or her ownership still suffers potential victimization because the fraudulent deed creates a "cloud" on the owner's title. On the record, the fraudulent/unauthorized deed or mortgage will typically appear to be valid, and this may complicate the victim's ability to sell or mortgage the property until the cloud can be removed. However, removal of that cloud often necessitates an action to quiet title or for a declaratory judgment, which is time-consuming and can involve significant legal expense for the victim.

The impact of deed fraud extends beyond individual property owners, affecting title insurers, mortgage lenders, and the integrity of real estate records. Fraud often involves impersonation of a notary as well as impersonation of the property owner.

The American Land Title Association (ALTA) conducted a survey in May of 2024 to gain a better understanding of seller impersonation fraud (SIF). The survey garnered 783 responses from members of the title insurance community across the United States. Key findings of the survey are as follows:

1. SIF is a growing problem. 28% of title insurance companies experienced at least one SIF attempt last year; 19% faced attempts in April 2024 alone. Title companies work with law enforcement offices on investigations, which, in 2023, typically included the local police department (53%) or the FBI (41%). Of the companies that experienced attempted fraud in 2023 (successful or unsuccessful), 16% paid claims on transactions involving SIF.

2. Common characteristics of SIF included notarization issues and use of the property owner's legitimate non-public personal information. The most common notarization issues were fake notary credentials (43%) and use of real notary credentials without permission (31%). Use of nonpublic personal information, such as birth dates, driver's license numbers, and Social Security numbers were common in fraudulent transactions.

3. While not always considered unusual, some factors that can be SIF red flags include vacant land transactions, requests for use of an unknown notary, and all cash transactions. 85% of companies reported that SIF was at least somewhat common on vacant land transactions in 2023. Requests for all cash transactions and mail-away signings using an unknown notary call for heightened scrutiny because they carry a higher risk of fraud: 88% and 86% of companies identified these actions as at least somewhat common red flags, respectively.

4. In 2023, SIF was most often caught before the closing was completed. For SIF identified postclosing, buyers can be protected by title insurance; enhanced policies also cover forgery in the future. 46% of companies said it was at least somewhat common to identify and prevent fraudulent transactions before a real estate closing, compared to only 26% after closing. Title insurance offers SIF protections. Both the ALTA Owner's Policy and ATLA Homeowner's Policy cover buyers who fall victim to pre-purchase forgery. The ALTA Homeowner's Policy also protects against a third party who fraudulently transfers the owner's property in the future. For companies in the 46 states where regulators have approved these enhanced policies, 42% of customers, on average, chose policies that protect their property from forgery, including SIF, in the future.

5. The vast majority of title insurance companies have adopted tools and resources to fight SIF. Nearly all companies currently provide or plan to provide education and resources to train employees on fraud (91%); most utilize ALTA's resources (69%). These actions are critical to combating all types of fraud. In addition to SIF, title insurance companies also must address wire fraud, issues with heirs' property, and elder real estate fraud and financial exploitation.

ALTA Critical Issues Study: Seller Impersonation Fraud (July 2024).

Deed fraud, including mortgage fraud, is a growing concern across the United States, with fraud becoming more common as real property records have become available online. The ULC Executive Committee appointed a study committee in January 2025, and the committee began meeting in February of this year.

Statutory Solutions Considered

The Study Committee met monthly to consider various solutions to the problem of deed fraud for a total of seven online committee meetings. The Committee discussed the following potential solutions.

1. Known Filer System for Recorded Documents

A known filer system would allow parties who regularly record documents, such as attorneys, title agents, and financial institutions, to register with the state or county to receive a unique identifier. These known filers could submit documents electronically or in person with dual authentication. The state or county would maintain a secure database of known filers and would be updated regularly. Annual renewal of known filer status would insure continued eligibility.

Filers without a known filer number would be required to appear in person with valid government-issued identification. Additional confirmation of identity for in-person filers could be required.

Benefits:

- Prevents fraudulent filings by verifying the identity of parties submitting documents for recording.
- Reduces administrative burden on recorders by enabling streamlined verification processes.
- Provides accountability by ensuring a traceable record of all submitted documents.
- Enhances security in digital recording systems, reducing the risk of cyber-related document fraud.

Concerns:

- Fraudsters who forge deeds may also have false identity documentation.

2. Electronic Notification System for Landowners

Property owners would voluntarily register their contact information with the county recorder, or without a registration requirement, the county recorder would send notice to an address or email already known to the county recorder (such as the address for property tax bills). Notifications could include a link to the recorded document for review. Owners could then report unauthorized filings to the recorder's office or to law enforcement for expedited investigation. Recorders may be able to use existing government communication platforms to minimize costs. For a voluntary system, public awareness campaigns could encourage homeowners to register for notifications.

Benefits:

- Provides early detection of fraudulent recordings, allowing owners to take swift action.
- Creates an easily accessible and cost-effective mechanism for landowners to monitor their property records.
- Encourages transparency in the recording process.

Concerns:

- If registration is required, those most in need of the service are unlikely to register for notification.
- Notification occurs after the fact, with the fraudulent document already recorded.

3. Property Title Freeze

Property owners may request a title freeze through the county recorder's office, either in person or through a secure online portal. The freeze would prevent voluntary transfers but would still allow involuntary liens (e.g., tax liens, mechanics' liens, or judgments) to attach. Transfers could be authorized by the owner using multi-factor authentication or in-person verification. A simple online form or in-person request system could facilitate freezes with minimal delay. The system must consider transfers that would not be authorized by the owner such as probate, inheritance, foreclosure, or other court-ordered sales. The system would also need to consider other types of involuntary filings or notices, such as a lis pendens. Title insurers and lienholders could be notified of any title freezes.

Benefits:

- Acts as a preventative measure for vulnerable property owners, reducing fraud risk.
- Gives property owners greater control over their title security.
- Reduces litigation by preventing unauthorized transfers before they occur.

Concerns:

- Fraudster may be able to unlock title.
- Those most in need of the service may not take advantage of it.
- Must have a mechanism for unlocking title after the death of the owner.

4. Recorder Discretion to Flag Suspicious Filings

Recorders would be able to flag a filing when fraud indicators are present (e.g., suspicious notarization, grantor discrepancy, known sovereign citizen filer). This could be implemented in connection with a requirement for additional identity verification or property owner confirmation before recording.

A standardized review process would be implemented to determine the validity of a flagged document. Flagging would not disrupt priority of a recorded document if it is later determined to be valid but would give notice that the document is flagged as suspicious.

Recorders could be provided with guidelines to help distinguish between legitimate and fraudulent transactions, and recorders who act in good faith must have protection against liability for incorrectly flagging a document.

Benefits:

- Allows recorders to act as a first line of defense.
- Provides an additional safeguard for property owners while maintaining efficiency in the recording process.
- Prevents fraudulent filings before they become full-blown legal disputes.

Concerns:

- Recorders may not want this discretion and may be hesitant to flag transactions.
- Legitimate transactions may be incorrectly flagged.

5. Expedited Quiet Title Action for Fraud Victims

Victims of deed fraud would have a streamlined process for expedited quiet title actions. They would have the burden of proof to establish fraud by clear and convincing evidence. Title insurers and affected lenders could participate in the expedited process.

Benefits:

- Provides a fast and efficient legal remedy for fraud victims.
- Ensures that fraudulent conveyances do not cloud title for extended periods.
- Minimizes costs for affected landowners.

Concerns:

- Resolving title disputes may be complex litigation.
- Courts are already busy with important matters—why should these disputes receive special attention?
- An expedited process may not be appropriate for family disputes.

6. Electronic Notification System for Notaries

The county recorder would send notice to the notary when a document is filed. Notaries will be required to keep their contact information updated. The notification can include a link to the recorded document for review. Notaries will report unauthorized filings to the recorder's office and law enforcement for expedited investigation.

Benefits:

- Provides early detection of fraudulent recordings, allowing owners to take swift action.
- Allows a notary to take swift action if notary is impersonated.

Concerns

- Notification occurs after the fact, with the fraudulent document already recorded.

7. Dual Authentication for Notarial Acts

Before completing an acknowledgement, a notary would be required to go online to get a transaction specific bar code which goes on the document. The recorder must authenticate the bar code before recording the document.

Benefits:

- Makes notary impersonation more difficult.
- Prevents fraudulent filings before fraudulent documents are recorded.

Concerns:

- Party who impersonates a notary might gain access to the notary's account for getting the bar code.
- Notaries and county recorders may resist the extra step.

8. Limiting Internet Access to Real Property Records

Authorized parties, such as attorneys, title agents, surveyors, and financial institutions, register with the state or county to receive an account for online access to records. Other parties still have access in person in the county recorder's office to search real property records but do not have remote online access.

Benefits:

- Makes deed fraud more difficult for local fraudsters.
- Prevents deed fraud by international fraudsters.

Concerns:

- Fraudsters may still gain access by claiming to be a party entitled to online access.
- Concerns over rights to the information.
- Online access is the current method for searching title, not the traditional search of grantor/grantee indices in the recorder's office.
- Other parties have legitimate reasons to need the information—genealogists, judgment creditors, etc.

9. Enhanced Criminal Penalties for Deed Fraud

States can strengthen statutory penalties for fraudulent filings, making them felony offenses. Statutes may require restitution for victims. Statutes may establish a separate category for repeat offenders with enhanced sentencing. Statutes may provide incentives for law enforcement agencies to prioritize deed fraud investigations.

Benefits:

- Deters potential fraudsters by increasing criminal consequences.
- Provides compensation to victims for damages if fraudster has the funds.
- Encourages states to invest in specialized deed fraud prosecution units.

Concerns:

- Many states have already enacted enhanced criminal penalties.
- Criminal law is not typically covered by uniform acts.

Study Committee Conclusions

The Study Committee concluded that no one solution would solve the problem of deed fraud and that several solutions enacted at the same time would best address the problem. A uniform or model act could include several solutions or could provide options for states to adopt one or more of the solutions.

The Committee found the following solutions to be viable options for inclusion in a uniform or model act:

1. Known Filer System for Recorded Documents
2. Electronic Notification System for Landowners
3. Property Title Freeze
4. Recorder Discretion to Flag Suspicious Filings
5. Expedited Quiet Title Action for Fraud Victims
6. Electronic Notification System for Notaries
7. Dual Authentication for Notarial Act

More than one solution is needed. The notification systems for landowners and notaries provide notice only after the fact. But an expedited quiet title action in conjunction with notification systems would permit owners who learn of the deed fraud to have faster relief at a lesser expense. A known filer system would discourage deed fraud in the first place by making it more

difficult for fraudsters to record documents. A property title freeze system would likely prevent fraud against those who chose to use it. Giving recorders some discretion to flag certain transactions would prevent fraud in some transactions. And dual authentication of notarial acts would make it more difficult for fraudsters to impersonate notaries. A model or uniform act could be drafted with bracketed language or alternatives, allowing states to more easily tailor the solutions best suited to their specific situations.

The Committee did not favor including enhanced criminal penalties because deed fraud is already a crime in every jurisdiction and because many states have already adopted enhanced penalties. The Committee also decided not to recommend limiting access to real property records because many people have legitimate reasons to search the records and now do that online.

Recommendations of the Study Committee

The Study Committee recommends that a drafting committee be appointed to draft a uniform or model act to address the problem of deed fraud. The drafting committee should [consider/draft language for] the following solutions:

1. Known Filer System for Recorded Documents
2. Electronic Notification System for Landowners
3. Property Title Freeze
4. Recorder Discretion to Flag Suspicious Filings
5. Expedited Quiet Title Action for Fraud Victims
6. Electronic Notification System for Notaries
7. Dual Authentication for Notarial Act

Some solutions will discourage deed fraud while others will enable victims to learn of the fraud and address it early.

The Study Committee recommends that a drafting committee consider whether a uniform or model act should provide options for solutions or simply include all of the solutions as part of an act to be adopted in whole.

Deed fraud has become a serious problem, and a uniform or model act would provide a uniform solution for states to adopt. Because of the increase in deed fraud and recent attention to the problem, a uniform solution is needed and should be enactable. There is a need for uniformity since many transactions involving real estate cross state lines. There is also a need to move to drafting quickly because many states are developing homegrown solutions, leading to a patchwork of solutions with varying degrees of effectiveness.

APPENDIX K

Commission Correspondence

- Letter to Maine Municipal Association**
- Letter to the Real Estate & Title Section
of the Maine State Bar Association**



**STATE OF MAINE
ONE HUNDRED AND THIRTY-SECOND LEGISLATURE
COMMISSION TO RECOMMEND METHODS FOR PREVENTING DEED FRAUD IN THE STATE**

December 15, 2026

Melissa Doane, President
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330

Re: Request for assistance in preventing deed fraud in the State

Dear President Doane,

We are writing on behalf of the Commission to Recommend Methods for Preventing Deed Fraud in the State (the “Commission”) to request that the Maine Municipal Association and its members develop and implement best practices for maintaining up-to-date property owner mailing information in municipal property tax records. Accurate property owner contact information within municipal tax records can serve as a powerful tool for preventing deed fraud, specifically seller impersonation fraud, in the State.

The Commission was established by the Legislature through [Resolve 2025, chapter 104](#) to gather information about the practice of deed fraud, to examine the sufficiency of relevant state laws and practices and to recommend additional steps the Legislature and other stakeholders can take to prevent deed fraud in the State. The resolve defines deed fraud as occurring “when a person sells real property by falsely claiming to be the property owner and records a deed of the fraudulently induced sale in the registry of deeds, depriving the rightful owner of a significant asset without the owner's knowledge.” This scam, commonly referred to as seller impersonation fraud, often causes significant harm to at least two victims: the rightful property owner whose title is clouded by the recording of a fraudulent deed and the innocent buyer who spent an often-large sum of money to purchase and perhaps even improve a property, but who ultimately does not actually own the property because the deed of conveyance was forged.

Over the course of its work, the Commission concluded that seller identity verification provides the most promising method for preventing deed fraud. For this reason, the Commission recommends that the Legislature enact legislation requiring both licensees of the Real Estate Commission and settlement agents who perform closings to take steps to verify the identity of persons selling property in all real estate transactions in the State. Ensuring that there is an accurate source of contact information for the rightful owners of real property across the State will provide a valuable asset in this regard. For example, when a person contacts a real estate agent requesting that a property be listed for sale, the agent can send a letter to the rightful property owner at the listed address, asking the property owner to confirm that they do, in fact, wish to offer their property for sale.

After lengthy study and discussion among the various stakeholders on the Commission, a majority of members concluded that municipalities are in a unique position to maintain accurate property owner mailing information in their property tax records. Indeed, the Commission was not able to identify any other resource for maintaining property owner information that can be utilized by real estate professionals in this way. We therefore request that the Maine Municipal Association partner with the Legislature in its efforts to combat deed fraud by working with its members to develop and implement best practices for maintaining up-to-date property owner contact information. Municipal tax records will then serve as a powerful tool for verifying the identities of persons purporting to sell real property in the State and preventing the harms of seller impersonation fraud.

Please do not hesitate to reach out to us if you have any questions.

Sincerely,

(JS)

Senator Ingwersen

Senator Henry Ingwersen

Senate Chair

(AL)

Representative Lee

Representative Adam Lee

House Chair



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December 15, 2026

Shannon Esty, Esq., Chair
Real Estate & Title Section
Maine State Bar Association
124 State Street
Augusta, Maine 04330

Re: Request for assistance in developing an expedited procedure to clear title after deed fraud

Dear Attorney Esty,

We are writing on behalf of the Commission to Recommend Methods for Preventing Deed Fraud in the State (the “Commission”) to request that the Real Estate & Title Section of the Maine State Bar Association assist the Legislature in developing an expedited method of relief for victims of deed fraud. Specifically, we request the Section’s assistance in developing a statutory process through which a licensed attorney may record an affidavit in the registry of deeds on behalf of a property owner that has the legal effect of nullifying a fraudulent deed in a way that allows victims of deed fraud to avoid the time and expense of obtaining a court judgment.

The Commission was established by the Legislature through [Resolve 2025, chapter 104](#) to gather information about the practice of deed fraud, to examine the sufficiency of existing state laws and practices for preventing and remedying deed fraud and to recommend additional steps the Legislature should take to ameliorate the negative effects of deed fraud in Maine. The resolve defines deed fraud as occurring “when a person sells real property by falsely claiming to be the property owner and records a deed of the fraudulently induced sale in the registry of deeds, depriving the rightful owner of a significant asset without the owner’s knowledge.” As you no doubt know, this type of seller impersonation fraud often causes significant harm to at least two victims: the rightful property owner whose title is clouded by the recording of a fraudulent deed and the innocent buyer who spent an often-large sum of money to purchase and perhaps even improve a property, but who ultimately does not actually own the property because the deed of conveyance was forged.

Through the assistance of the Real Estate & Title Section’s past president, commission member Carrie Cote, Esq., the Commission learned that, once a fraudulent deed had been recorded in a county registry of deeds, current law recognizes only a single method for the rightful owner of the property to nullify the fraudulent deed: The property owner may bring a declaratory judgment action requesting that a court issue a recordable court order declaring the deed void. A majority of the Commission’s members believe this existing avenue of relief is unnecessarily burdensome, given the lengthy time and expense imposed on the victim to pursue this remedy.

For these reasons, a majority of the Commission believes it is necessary to develop an alternative, less-burdensome method for clearing the cloud on title created by a fraudulent deed. After lengthy discussions and consideration, a majority of the Commission voted to recommend that the Legislature develop and enact legislation establishing a process through which a licensed attorney may, after taking specific steps prescribed by the law, record an affidavit in the county registry of deeds that has the legal effect of nullifying a fraudulent deed. Nevertheless, the commission members who favor creating a non-judicial, affidavit process for clearing title believe that it is important for the Legislature to seek the input of attorneys with expertise in real estate law and title law. This input is necessary to ensure that the process created is both effective and does not lend itself to misuse. Accordingly, the Commission recommends that the Judiciary Committee, which has the authority to report out legislation implementing the Commission's recommendations, consult the Real Estate & Title Section of the Maine State Bar Association, as it drafts legislation to implement this process.

Accordingly, we respectfully request that the Real Estate & Title Section assist the Judiciary Committee in crafting an effective, safe nonjudicial process for remedying the cloud on title caused by an incident of deed fraud. We were delighted to learn from Attorney Cote that members of the Section have already begun discussing potential ways to implement such a process. We invite you to reach out to the Judiciary Committee's legislative analysts, Janet Stocco (janet.stocco@legislature.maine.gov) and Eli Murphy (elias.murphy@legislature.maine.gov) to coordinate the Section's work with the Judiciary Committee. In the meantime, please do not hesitate to contact us if you have any questions.

Sincerely,

(fs)

Senator Ingwersen
Senator Henry Ingwersen
Senate Chair

Representative Lee
Representative Adam Lee
House Chair

(jl)