



# VICTOR D. CRIST

CLERK OF CIRCUIT COURT & COMPTROLLER  
HILLSBOROUGH COUNTY, FL

## F.A.Q. Property Fraud

### What is a deed?

A deed transfers title (ownership) of real property from one party (the “grantor”) to another (the “grantee”). A deed can be a quit claim deed or a warranty deed.

A **quitclaim** deed is a legal document used to quickly transfer property title from one party to another, but it offers no guarantees about the grantor's ability to transfer title or whether the property has any mortgages or liens on the property. It essentially transfers to the grantee whatever ownership interest the grantor may have in the property or that the title is clear (without any mortgage(s) or lien(s)).

On the other hand, a **warranty deed** also transfers property title from one party to another, but it also guarantees that the seller is transferring clear, unencumbered title to the property to the grantee.

Closing agencies typically use warranty deeds when transferring property from the grantor to the grantee because the closing agency takes steps to validate the grantor’s ownership and also clear any existing mortgages or liens on the property before transferring title to the grantee.

### How does the Clerk record a deed?

A deed can be submitted in-person, through the mail, or through an electronic recording vendor, along with appropriate fees. The deed must meet requirements outlined in F.S. 695.26 (grantor/grantee names and address, name and address of preparer, 2 witness names and addresses, proper notarization, legal description of the property). As the County Recorder, the Clerk’s Office verifies that the deed on its face meets the statutory requirements under Florida law and that the property is located within the appropriate county. However, the Clerk’s Office does not have the legal authority to determine whether a deed has any forged signatures.

### What is property fraud or title fraud?

Property fraud can happen to any homeowner, through no fault of their own, and if it does, it can be devastating. Criminals are targeting modest homes to million dollar properties. Although it can happen with occupied homes, scammers seem to focus on empty houses or houses where the homeowner has passed away recently, but the person inheriting the property hasn’t moved in yet. Scammers typically use fraudulent **quitclaim** deeds to take ownership of homes. These scammers then trick others into renting, buying, or lending money against the homes. In some cases, they use realtors, who may or may not be aware of the fraud, to attempt to sell these homes.

### What is the Clerk’s Property Fraud Alert Program?

The Hillsborough Clerk of Court and Comptroller's office has offered a [FREE Property Fraud Alert Program](#) since 2015. The FBI says property fraud is the fastest-growing, white-collar crime in the U.S. In 2023, the Clerk's office tripled the total number of subscriptions by adding more than 33,000 new subscriptions. To date, we have almost 80 thousand subscriptions.

Our **Property Fraud Alerts** are effective and provide a layer of security for homeowners. There are companies that charge for this same service, but all Florida Clerks are now required by law to offer the service for free. Any time a document is filed using your registered name, business name, or trust

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name, we will alert you within 48 hours. Speedy notification and then quick action are the key to stopping bad actors from taking control of your property.

### How do I sign up for the Property Fraud Alert Program?

The **Property Fraud Alert Program** is simple to sign up for and only takes a couple of minutes: <https://hillsclerk.com/Additional-Services/Property-Fraud-Alert>

You can enter multiple names, including yours, your spouse's name, your trust or business name, or iterations of names.

You will choose a way to receive alerts—phone number, text, or email.

### What do I do if I receive an alert?

If you receive a property fraud alert that you believe to be suspicious, you can immediately go to the Clerk of Court's website to see what document someone has filed. If you determine that the document is fraudulent, you should call local law enforcement to immediately begin an investigation. The sooner that you report the fraud, the quicker law enforcement can preserve valuable evidence like surveillance video that may otherwise become lost with a delayed report. In many cases, homeowners can also engage attorneys who specialize in real estate so action can be taken as soon as possible.

The Clerk's Office cannot give legal advice, but we have partnered with local law enforcement to make sure victims have a path forward.

### What do I bring to local law enforcement to report suspected property fraud?

- Sworn statement form
- Copy of the quit claim deed
- Copy of regular deed or house closing paperwork (with signatures for comparison)

### Additional Steps for reporting suspected Property Fraud to local Law Enforcement:

#### 1. Gather Information and Documentation

Before you file a report, collect all relevant documents and information related to the fraudulent deed:

- **Property Details:** Address of the property affected.
- **Fraudulent Deed:** A copy of the deed that was filed fraudulently (if available). This document should show the name of the person who filed it and any details about the fraudulent transaction.
- **Proof of Ownership:** Any documents that show you are the rightful owner of the property (e.g., title deed, mortgage records).
- **Correspondence with Clerk's Office:** If you've already contacted the Clerk's Office to inquire about the deed, gather any responses or documentation provided by them.
- Any **Surveillance video** of your home that captured suspicious people trespassing on your property.

#### 2. Contact Your Local Police Department or Sheriff's Office

- **In-Person:** Visit your local police department and ask to file a report about the fraudulent deed. Please have the above documentation with you as well as your identification. ***You should contact the law enforcement agency located where the fraud occurred (this may be different from where the property is located).***

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### 3. Provide a Detailed Account of the Incident

When filing your report, be prepared to give a clear and concise description of the situation:

- **Who:** Identify the name(s) of anyone you suspect may be involved in the fraudulent activity, if known.
- **What:** Describe the fraudulent deed and explain how you became aware of the filing.
- **When:** Provide the date on which you discovered the fraudulent deed was filed.
- **Where:** Indicate the specific Clerk's Office where the deed was filed.
- **How:** If you have any information about how the fraud was perpetrated (e.g., forged signatures, false representation), include that in your report.

### 4. Request a Fraud Investigation

- Ask the police officer to initiate an investigation into the fraudulent filing of the deed. Be sure to inquire about the next steps in the process, including whether you need to provide additional documentation or evidence.

### 5. Fill out a Notice of Disputed Title

A **Notice of Disputed Title** is a legal document that can help protect your rights to the property while the fraudulent deed is being investigated. It puts the Clerk's Office and any other parties on notice that there is a dispute regarding the ownership or title of the property. **This document may pose difficulties for the scammers when they try to sell your property or take out a loan against your property.**

- **Obtain the Form:** Check with your local Clerk's Office to obtain the appropriate form for filing a Notice of Disputed Title. This form is often available online or in person at the Clerk's Office.
- **Complete the Form:** Fill out the Notice of Disputed Title form, providing detailed information about the fraudulent deed and your ownership of the property. Include the property's legal description, the deed in question, and any evidence you have showing that the deed is fraudulent.
- **File the Notice:** Submit the completed Notice of Disputed Title to the Clerk's Office in the county where the property is located. This action will formally place a legal notice on record that disputes the validity of the deed, protecting your ownership rights while the investigation is ongoing.

### 6. Follow Up on Your Report

After filing your report, ask for a copy of the report number and the contact information of the officer handling the case. This will allow you to follow up on the status of the investigation. Keep a record of all correspondence.

### 7. Notify Other Relevant Authorities

In addition to filing a police report and a **Notice of Disputed Title**, you may want to:

- Contact the Clerk's Office where the fraudulent deed was filed to alert them of the situation and request that the deed be flagged or reviewed.
- Notify your title company or mortgage lender if applicable, as they may be able to help protect your property rights.

### 8. Monitor Your Property

Keep a close watch on your property and any changes in ownership records. Consider signing up for

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property alerts with your local Clerk's Office to be notified of any future filings related to your property. If you are able to do so, maintain a video surveillance system on your property. In many instances, scammers will examine the property in person to see whether someone is presently living on the property. Having surveillance on your property can help identify individuals responsible for the property fraud.

#### **9. Prosecution by the State Attorney's Office**

If law enforcement is able to arrest someone for the fraud perpetrated on your property, the State Attorney's Office will then receive the case for review. If the State Attorney's Office determines that sufficient evidence exists to prove the charges beyond a reasonable doubt, the State Attorney's Office will file formal charges against the perpetrator. Potential charges include a violation of Florida's identity theft statute (also called fraudulent use of personal identification information) – FS 817.568. If the State Attorney's Office successfully obtains a conviction against the perpetrator, the identity theft statute allows the criminal court to remove the fraudulent deed from the official records, thereby reverting title back to you.

#### **10. Correcting the Fraud Yourself**

Regardless of whether the State Attorney's Office is able to obtain a conviction against the perpetrator, you always have the option of filing your own civil action to correct the title to your property. You can do so by filing a **Complaint to Quiet Title**. You can find directions for this document on our [Circuit Civil website page](#).

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