

HB 1249 -- FILED OR RECORDED DOCUMENTS

SPONSOR: Amato

This bill requires a person presenting a quitclaim deed to a recorder to present the deed in person in the recorder's office, to the recorder or the recorder's designee, on a form provided by the recorder.

The bill prohibits any quitclaim deed from being filed, recorded, transferred, or presented to a recorder of deeds over the internet, unless the person filing the quitclaim deed is a licensed real estate broker, a licensed title company, or a licensed attorney.

This bill also prohibits a person from obtaining a loan with a quitclaim deed unless the person is a party to the original warranty deed or obtained title to the property through a quiet title action.

The bill increases the penalty for filing false documents from a class D felony to a class C felony for the first offense, and from a class C felony to a class B felony under certain circumstances, as provided in the bill.

This bill provides that, upon presentation of information to law enforcement from a property owner indicating that a quitclaim deed is fraudulent, and an affidavit attesting to the accuracy of that claim, law enforcement must investigate the complaint. If law enforcement finds reasonable evidence that the transaction was fraudulent, they will refer the matter to the prosecuting attorney. The prosecutor has 45 days to investigate the complaint. If there is probable cause the document was filed fraudulently, the prosecutor will petition for judicial review.