



Beware of Real Estate Deed Solicitation Scams

From the Office of Minnesota Attorney General Lori Swanson

Landowners in eleventh-century England transferred land by gathering on the land with a group of witnesses to physically deliver the property to the new owner, such as by handing over a clod of dirt. For fear of dispute, landowners began to record these ceremonies as deeds or charters. As centuries progressed, deeds became the main instrument by which real property was bought and sold.

Today, buying or selling a home requires transferring title with a deed and then recording it in the real estate records of the county in which the property is located. The original deed is returned to the buyer for safe keeping. If the deed is ever lost or misplaced, you can obtain a copy of the deed from the county recorder's office. If only a copy of the deed is needed, the county will charge you for the cost of the copy – usually about \$1.00 per page. If you need a certified copy of the deed, the charge varies by county, but is usually around \$10.00.

Beware of Deceptive Mailings

Some companies have sent mailings to Minnesota homeowners that may on first blush look like a bill from a government agency. The mailings may attempt to get homeowners to pay upwards of \$90 in some cases for a copy of their real estate deed or property profile. Buzzwords like "U.S. Government," "official," and "certified copy" may be used to get homeowners to pay. The fine print may disclose that a deed is not required, but people who receive the mailings may not always notice the fine print disclaimer. For example:

"Katie and Mark" just bought a new house. They have been swamped with paperwork and fees. One day, they receive a mailing that seems to come from the "US Recorder's Office" that recommends they obtain an official, certified copy of their deed for \$89. After Katie and Mark pay, they wait a few weeks, but never receive the deed.

"Cindy" has been working with her attorney to transfer her home to her children upon her death. Cindy gets a letter stating the following: *"The U.S. government website recommends that property owners should have an official or certified copy of their deed. If you don't already have this important document, you may obtain one now. To obtain a certified copy of your deed, complete the order form below and return it in the enclosed postage paid envelope with your payment of \$59.50."* Cindy brings the letter to her attorney, who tells her not to buy a deed from this company.

Advice for Avoiding Deed Scams

Companies that send these mailings count on the fact that many homeowners don't know how, where, or when to get their deed to the home. Situations in which you need a copy of your property deed may include:

- buying or selling your house
- refinancing your mortgage
- transferring title to your house

Your county recorder or registrar of titles can provide a copy of your deed for just a few dollars. You do not need to pay a private company to obtain your deed for you.

Remember to store your original deed in a safe place with all of your other important documents. If you lose or misplace the original deed, you may obtain a certified copy from the County Recorder or Registrar of Titles in the county where the property is located. A certified copy of the deed may be recorded in any county with the same force and effect that the original deed would have if it were so recorded.

If you are requested to provide a copy of the deed to your property, ask if the requestor needs a certified copy. Often, a copy is sufficient and will save you the expense of having to pay the additional cost of a certified copy.