



NEW YORK STATE SENATOR

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## NEW PROGRAM TO COMBAT THE GROWING CRIME OF MORTGAGE AND DEED FRAUD - SIGN UP TO PROTECT YOURSELF

ANDREW J LANZA September 9, 2010

The New York City Department of Finance is implementing a new program to assist property owners by alerting them when documents are recorded without their knowledge. This will allow them to take steps to limit the harm caused by the recording of a fraudulent document.

To sign up for this program [visit NYC Finance](#) on the web.

### **PROGRAM DESCRIPTION:**

This new program will allow property owners, lienors, or their designees (or executors/administrators of the estates of owners) to register to receive electronic notification when a deed or deed-related document, or a mortgage, or mortgage-related documents, affecting an ownership interest in real property has been recorded against a property in the City of New York.

This program will alert registered property owners when documents are recorded without their knowledge and will allow them to take steps to limit the harm caused by the recording of a fraudulent document.

Real estate fraud, including deed and mortgage fraud, often involves the recording of documents at the City Register's Office (or the Office of the Richmond County Clerk), without the knowledge of the actual property owner. Some fraudulent schemes include recording a deed or mortgage with forged signatures. Others may involve recording a deed or mortgage that has been materially altered after the owner signs it but before it is recorded. Criminals who record a phony deed may then either obtain a mortgage or sell the property.

Real estate fraud can also overlap with identity theft when a criminal pretending to be the owner of a property uses stolen personal information to obtain a mortgage. In most cases of real estate fraud, the actual property owners may be unaware of any fraudulent activity until they sell their home, transfer title to a relative, refinance their mortgage, or become subject to a foreclosure action.

Under New York State law, the City Register's Office and the Office of the Richmond County Clerk are generally required to record all deeds and mortgages that are proper on their face. This means that if fraudulent documents are completed correctly and properly acknowledged and notarized, they are recorded and may go undetected until the defrauded party is served with foreclosure documents or the defrauded party initiates a legitimate transaction against the property.

### **HOW WILL THE PROGRAM WORK?**

Property owners, lienors, or their designees, or executors/administrators of the estates of owners, who have an interest in real property in the City of New York can register using the borough, block and lot number or the address of a property to receive an email, text message or letter each time a deed, mortgage or related document is recorded against the registered property.

Owners of individual cooperative apartments and timeshare units may NOT want to register for notification because it may result in a large number of unrelated notifications. These property types do not have a unique borough block and lot number so notification can only be provided on a building-by-building basis rather than a unit by unit basis.

Property owners, lienors or their designees, or executors/administrators of the estates of owners, will have the option of requesting to receive notification electronically by completing the application on-line at [www.nyc.gov/finance](http://www.nyc.gov/finance). Registration to receive notification by regular mail may be accomplished by completing the Notice by Mail of Recorded Document application which is available on-line at [www.nyc.gov/finance](http://www.nyc.gov/finance), and mailing it to the address noted on the application, or by calling 311 and requesting that the application be mailed.

Finance's notification will include a recommendation for registrants to check the Automated City Register Information System (ACRIS) and view the actual document if there is an issue with the recorded document, the registrant should contact 311.

Customers who have registered to receive notification of a property located in Staten Island will be referred to the Office of the Richmond County Clerk to view and, if necessary, obtain a copy of the recorded document.

Registered parties who contact 311 will receive referral and contact information for the NYC Department of Investigation, the offices of the district attorneys, the State Banking Department, the NYS Attorney General's Office, and legal services for persons of limited income, as well as local bar associations.

[Click here](#) for additional information.