

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
January 27, 2009

WHEREAS, California Government Code Section 27388 as amended on September 27, 2008 provides for the collection of up to a \$3.00 recording fee by the County Recorder on certain real estate instruments to be used for the investigation and prosecution of real estate fraud crimes; and

WHEREAS, twenty-two counties in the State of California, including all the counties in Southern California have previously imposed this fee and have established dedicated real estate fraud prosecution units to combat real estate fraud; and

WHEREAS, real estate fraud is a significant problem that affects Orange County residents, and does requiring aggressive prosecution of those who engage in real estate fraud is an important public safety goal; and

WHEREAS, the economic situation in the real estate market has resulted in a significant increase in reported real estate crimes including mortgage fraud, foreclosure fraud and identity theft related fraudulent real estate transactions since the end of Fiscal Year 2006/07; and

WHEREAS, the current fiscal situation in the County of Orange and in the District Attorney's Office makes it necessary to impose the recording fee in order to continue to successfully investigate and prosecute real estate fraud crimes; and

NOW, THEREFORE, BE IT RESOLVED that this Board does find that it is necessary for the economic protection of county residents to impose a \$3.00 recording fee on qualifying real estate instruments pursuant to the provisions of Government Code 27388.

BE IT FURTHER RESOLVED that the County Clerk-Recorder is ordered to begin collection of the fee on March 1, 2009 and that a Trust Fund shall be established into which the recording fees shall be deposited quarterly by the Clerk-Recorder called the Real Estate Prosecution Trust Fund.