

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
February 10, 2009

WHEREAS, California Government Code Section 27388, as amended on September 27, 2008, provides for funding the investigation and prosecution of real estate fraud crimes by adopting a fee not to exceed \$3.00 for the recording of certain real estate instruments by the County Clerk-Recorder; and

WHEREAS, 22 counties in the State of California, including all of the counties in southern California, have previously adopted this fee and have established dedicated real estate fraud prosecution units to combat real estate fraud; and

WHEREAS, real estate fraud is a significant threat to Orange County residents that requires aggressive prosecution of those who engage in real estate fraud, which 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 real estate transactions since the end of Fiscal Year 2006-2007; and

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

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

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

BE IT FURTHER RESOLVED that this fee shall expire on March 1, 2012.