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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
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## MEMORANDUM

DATE: December 22, 2010

TO: All House Members

FROM: Representative Kenyatta Johnson  
186<sup>th</sup> Legislative District

RE: Deterring Real Estate and Mortgage Fraud

In the near future, I will be introducing a package of bills with regard to deterring real estate and mortgage fraud. Under this legislation, the following are being proposed:

1. The first bill amends the Notary Public Law (Act 373 of 1953) by increasing the required bond posted by notaries from \$10,000 to \$25,000 to help cover restitution to the victims of house stealing.
2. The second bill amends Title 53 (Municipalities) by providing a mechanism for victims to have a notation recorded on the deed which alerts the public of the fraudulent transaction. Presently, there is no easy way to tell whether a deed was filed fraudulently. The notation on the deed will be recorded by the local recording authority, free of charge, and will remain on the deed until a court order is issued rescinding the notation. The public form for ease of filing the notation will be placed in the proposed statute.

3. The third bill amends the Unfair Trade Practices and Consumer Protection Law (Act 387 of 1968) by increasing the maximum civil fines that can be imposed for house stealing or any other unfair or deceptive trade practices. In order to deter future crimes, the civil penalty for committing an unfair or deceptive act is increased from \$1,000 to up to \$10,000 for a first offense, and adds an additional time for second or subsequent offenses, up to \$20,000. However, if the victim is 60 years of age or older the fine is increased from \$3,000 to up to \$30,000.
4. The fourth bill amends Title 18 (Crimes and Offenses) by creating the crime of fraudulent notarization to cover circumstances when a notary public intentionally, knowingly, recklessly or negligently fails to determine the identity of the person seeking to notarize a fraudulent deed, mortgage, or other recorded document related to real property. The offense is graded as a first degree misdemeanor for a first or second offense, and as third degree felony for a third or subsequent offense.
5. The fifth bill in the package amends the law relating to deeds and land conveyances (Act #53 of 1909) by updating the form appropriately.

If you wish to join me in co-sponsoring this important information, please contact Deborah R. Brady in my office at 783-1792 or via e-mail [drbrady@pahouse.net](mailto:drbrady@pahouse.net).