

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION ADJUSTING THE ASSESSOR-COUNTY CLERK-RECORDER
SCHEDULE OF FEES SET FORTH BY COUNTY ORDINANCE CODE 2.90.030 TO
IMPOSE A FEE OF \$3 ON CERTAIN REAL ESTATE INSTRUMENT RECORDINGS
AND ESTABLISH A REAL ESTATE FRAUD PROSECUTION TRUST FUND**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, State law has long recognized the significant public concern surrounding real estate fraud and the need for real estate fraud investigation and prosecution; and

WHEREAS, to cover the costs associated with regulating real estate fraud, Government Code Section 27388 allows a county board of supervisors to impose a fee for the recording of real estate instruments and use the fee to pay for the costs associated with real estate fraud investigation and prosecution; and

WHEREAS, financial abuse involving real estate related fraud has been on the rise in San Mateo County. As a result, the District Attorney's Office is creating a Real Estate Fraud unit in order to perform investigations necessary in the regulation of real estate instrument recordings and protect the integrity of the recording system; prosecute instances of fraud in the recording of those instruments; and protect all property owners and filers of real estate instruments, including the financially vulnerable residents of San Mateo County; and

WHEREAS, the \$3 fee will apply to all eligible "real estate instruments" as defined in section 27388. At this time, those instruments are as follows: deed of trust,

an assignment of deed of trust, an amended deed of trust, an abstract of judgment, an affidavit, an assignment of rents, an assignment of a lease, a construction trust deed, covenants, conditions, and restrictions (CC&Rs), a declaration of homestead, an easement, a lease, a lien, a lot line adjustment, a mechanics lien, a modification for deed of trust, a notice of completion, a quitclaim deed, a subordination agreement, a release, a reconveyance, a request for notice, a notice of default, a substitution of trustee, a notice of trustee sale, a trustee's deed upon sale, or a notice of rescission of declaration of default or any Uniform Commercial Code amendment, assignment, continuation, statement, or termination; and

WHEREAS, the amount of the fee will be no more than necessary to cover the reasonable costs of the regulation of recorded real estate instruments through investigation and prosecution of real estate fraud performed by the District Attorney's Office; and

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED by the Board of Supervisors of the County of San Mateo that, effective June 1, 2017, the San Mateo County Assessor-Clerk-Recorder's Schedule of Fees, which is set forth in San Mateo County Ordinance 2.90.030, is adjusted to include a \$3 fee for the recording of all "real estate instruments" set forth above and in Government Code section 27388. The Recorder's Office is authorized to collect such fees and distribute them to the Controller's Office for placement in a Real Estate Fraud Prosecution Trust Fund. The Controller's Office is authorized to create and administer the Fund and disburse the amounts to the District Attorney's Office pursuant to the parameters of section 27388.

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