

Deeds of Deception: Impersonating Fraud in Real Estate Transactions

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Underwriting Counsel – Florida



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What You'll Learn

- What is impersonation fraud?
- How impersonation fraud happens
- Types of impersonation fraud schemes
- Alliant National fraud claims
- Types of properties most at risk
- Red flags



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What You'll Learn

- Steps to prevent impersonation fraud
- Alliant National requirements
- Remote online notarization
- How to identify fake identification
- Florida legislature efforts
- What to do if you suspect impersonation fraud
- How your customers can protect themselves



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What Is Impersonation Fraud?

A scheme with many names...

- Seller impersonation
- Borrower impersonation
- Deed theft
- Home title theft
- Deed fraud
- Mortgage fraud



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What Is Impersonation Fraud?

- Someone impersonates an owner of property
- Executes closing documents using fake identification credentials
- Forges the owner's name on the deed or mortgage
- Steals the money from the sale or mortgage loan



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Background

The FBI first drew attention to this scheme in 2008* and this type of fraud has been on the rise in the last few years

*FBI (2008, March 25). House Stealing: The Latest Scam on the Block. Retrieved from

https://archives.fbi.gov/archives/news/stories/2008/march/housestealing_032508



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Background

A study by ndp | analytics revealed that 28% of title companies in 2023 had at least one impersonation attempt*

*The Legal Description (2024, August 5). Study: 28 percent of title companies experienced seller impersonation fraud attempt. Retrieved from

<https://www.thelegaldescription.com/tld/articlestld/study-28-percent-of-title-companies-experienced-se-92052.aspx>



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Background

In 2024, the FBI received 9,359 complaints relating to real estate, with total losses of \$173,586,820*

*FBI Internet Crime Report (2024)

https://www.ic3.gov/AnnualReport/Reports/2024_IC3Report.pdf



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Quiz

Which famous landmark was involved in a title theft scheme?

- A. Mount Vernon, former home of George Washington
- B. Alcatraz Island, site of the abandoned federal prison
- C. Graceland, former home of Elvis Presley
- D. Ford's Theatre, assassination site of Abraham Lincoln



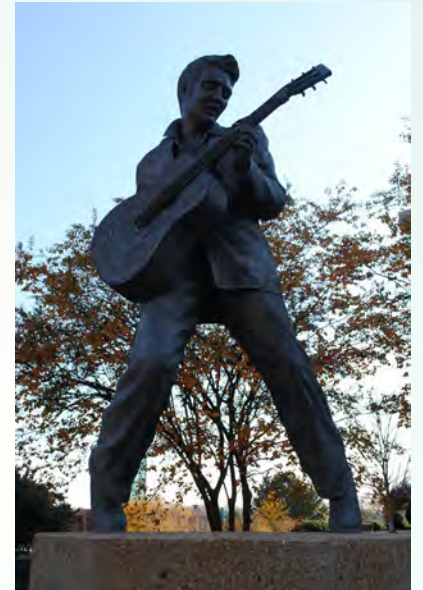
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Answer

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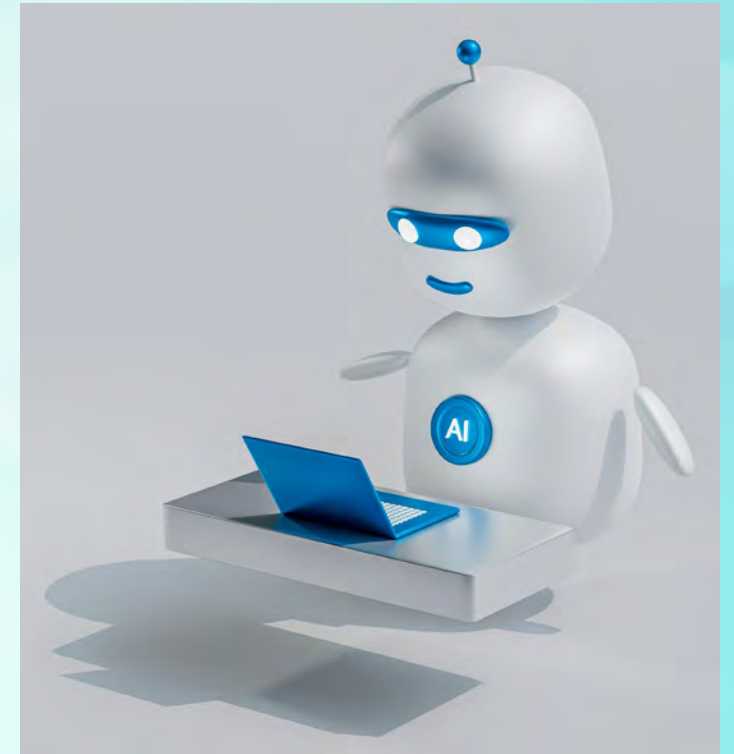


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How does this fraud happen?

- With technology, especially AI, scammers have more tools than ever
- Information available online
 - Property owner info on county websites
 - Personal details on social media
 - Notary info on state websites



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Seller Impersonation Schemes

- The fraudster locates a property to “sell” and finds the owner by looking through online property records
- They list the property for sale and may even enlist the help of a real estate agent
- The sale price is usually below market value to attract interest
- Once the contract is signed, the criminal finds a title company to handle the transaction



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Seller Impersonation Schemes

- The scammer is often “unavailable” for closing
- They may provide their own deed with a fake acknowledgment or a fake ID when signing
- The criminal may instead execute a deed into their own name or another identity, usually by quitclaim deed
- They then sell to an unsuspecting buyer or use the property as collateral for a mortgage loan



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Borrower Impersonation Schemes

- The criminal impersonates the owner to obtain a mortgage loan
- If the owner is a victim of identity theft, scammers may have their sensitive information, like birth date and SSN
- The fraudster scams a lender into providing a loan on the property and forges the owner's signature on the note and mortgage



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Quiz

Which of the following is true after a forged deed has been filed?

- A. The county clerk decides the true owner
- B. The forged deed is automatically void and the impersonated grantor is the true owner
- C. The forged deed is valid once recorded and the buyer is now the true owner
- D. The true owner depends on how much the buyer paid



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Consequences of a Forged Deed or Mortgage

- Forged documents are void so the buyer loses the property
- If there's a forged mortgage, the lender loses their collateral
- This results in a claim and a significant loss from the insurer, usually for policy limits
- The impersonated grantor may have to endure costly litigation to restore title to their name



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Impersonation Fraud and Title Insurance

- Covered Risk 2(a)(i) in the 2021 ALTA Owner's Policy insures against any defect in title caused by forgery, fraud, or impersonation
- Covered Risk 9(a) in the 2021 ALTA Loan Policy insures against the invalidity or unenforceability of the lien of the insured mortgage caused by forgery, fraud, or impersonation



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Impersonation Fraud and Title Insurance

- An owner who is impersonated by a fraudster is not covered by the 2021 ALTA Owner's Policy
- Forgery, fraud, or impersonation occurring after the date of the policy is excluded from coverage under Exclusion 3(d)
- The 2021 ALTA Homeowner's Policy covers forgery or impersonation after the policy date, but is not available in Florida



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Impersonation Fraud and Title Insurance

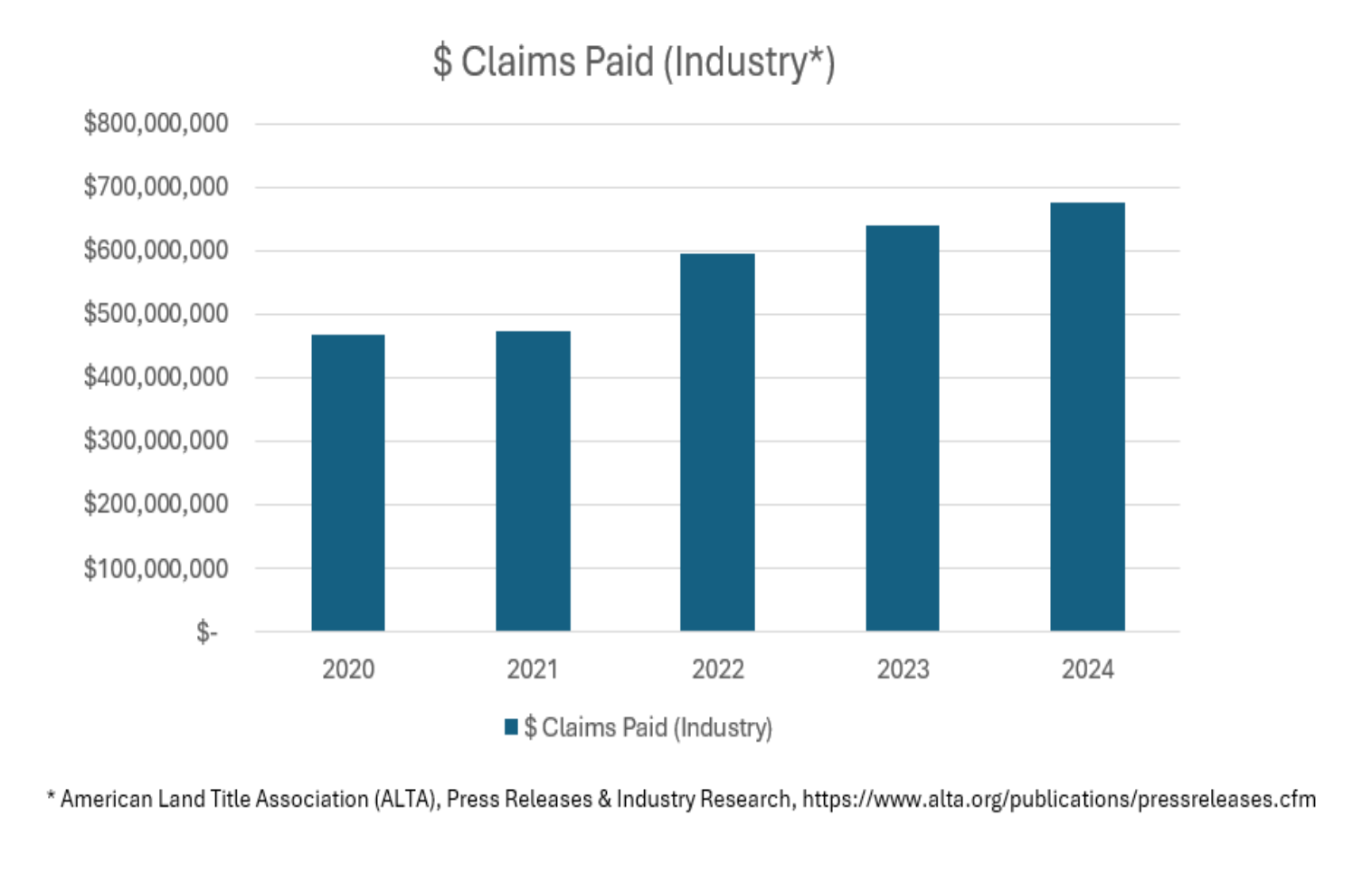
- The American Land Title Association (ALTA) recently published two endorsements that cover forgery of a deed or mortgage when the insured was impersonated as the grantor after the date of policy
- Unknown whether these endorsements will be approved for use in Florida



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Claim Trends



* American Land Title Association (ALTA), Press Releases & Industry Research, <https://www.alta.org/publications/pressreleases.cfm>



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Claim Trends

A study of claims on policies issued from 2013 to 2022 found that payments on fraud and forgery claims make up 21% of the total amount spent on claims*

*The Title Report (2024, May 21). Study: Average title insurance claim for fraud, forgery costs \$143K. Retrieved from

<https://www.thetitlereport.com/articles/study-average-title-insurance-claim-for-fraud-forg-91450.aspx>



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Claim Trends

The average cost for a fraud or forgery claim was around \$143,000, while the average payment for other types of claims was only around \$26,000*

*The Title Report (2024, May 21). Study: Average title insurance claim for fraud, forgery costs \$143K. Retrieved from

<https://www.thetitulereport.com/articles/study-average-title-insurance-claim-for-fraud-forg-91450.aspx>



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Real Seller Impersonation Cases from Alliant National's Claims Department

Who is the real Rosalie McCurdy?

- Rosalie McCurdy acquired title to vacant land in November 2001
- The agent received an order for a sale to a developer
- The imposter stated her name was now Rosalie Lawrence because she divorced and returned to her maiden name



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Real Seller Impersonation Cases from Alliant National's Claims Department

Who is the real Rosalie McCurdy?

- No document of the divorce or legal name change was provided
- A few months after closing, the developer was clearing the property to begin construction
- The “real” Rosalie McCurdy filed a complaint with the local police department



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Real Seller Impersonation Cases from Alliant National's Claims Department

Who is the real Rosalie McCurdy?

- The developer filed a claim under their title policy, and since the deed from the imposter was void, policy limits were paid



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Real Seller Impersonation Cases from Alliant National's Claims Department

Seller's Own Notary

- In 2016, Jose Orlando Morales was conveyed vacant residential land
- In 2023, an imposter sought to sell the land and asked to use his own notary
- The agent confirmed through the online notary system that the name given was a valid notary



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Real Seller Impersonation Cases from Alliant National's Claims Department

Seller's Own Notary

- The deed showed the documents were notarized in a different county than the address for the seller and the property
- Subsequently, Jose blocked the buyer's access to the land, asserting that he never sold the property, and filed a quiet title action



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Real Seller Impersonation Cases from Alliant National's Claims Department

Seller's Own Notary

- The notary is a valid notary
- Her notary information and seal have been used in at least 14 fraudulent transactions
- The deed from the imposter was void, resulting in a complete failure of title and policy limits were paid to the insured



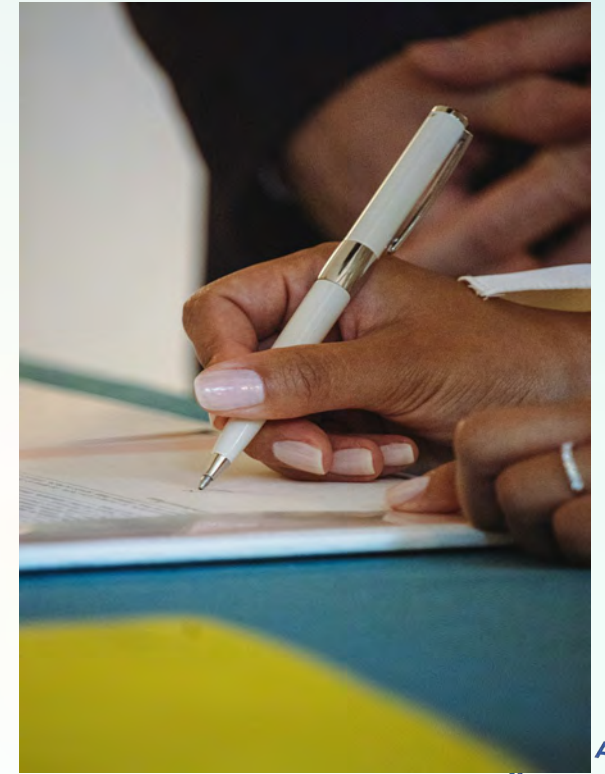
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Real Seller Impersonation Cases from Alliant National's Claims Department

Seller's Own Notary

- This claim is an important reminder that you, as the title agent, must maintain control over the execution and acknowledgment of the closing documents



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Real Seller Impersonation Cases from Alliant National's Claims Department

Mail-Away Closing with Foreign Seller

- In 1984, Luis Ocampo purchased vacant land
- In 2023, the agent received a rush order for a sale of the property
- All communication with the seller was conducted via email



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Real Seller Impersonation Cases from Alliant National's Claims Department

Mail-Away Closing with Foreign Seller

- The imposter emailed the agent requesting the proceeds be sent to a bank account in Asia
- The closing documents showed they were notarized at the US Embassy in Mexico
- No attempt was made to confirm if the notary was real or if she notarized the documents



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Real Seller Impersonation Cases from Alliant National's Claims Department

Mail-Away Closing with Foreign Seller

- Two weeks after the sale, the agent was contacted by Luis' widow, who stated that the "real" Luis died in 2011
- The deed from the imposter was void, resulting in a complete failure of title and policy limits were paid to the insured



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Real Seller Impersonation Cases from Alliant National's Claims Department

Mail-Away Closing with Foreign Seller

- This claim is an important reminder to contact the US Embassy to verify notaries. Contact info for US Embassies can be found at www.usembassy.gov.



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Real Seller Impersonation Cases from Alliant National's Claims Department

Company Sale of Property

- The subject property was owned by Hailan Property Inc. and was on the market for sale when the agent received the order
- A Corporate Resolution & Consent authorized Mitchell Smith to sign all documents



Real Seller Impersonation Cases from Alliant National's Claims Department

Company Sale of Property

- The Resolution was “docusigned” by the CEO of the company, and the name matched what was on record with the Secretary of State
- The transaction closed and the deed was sent to be recorded



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Real Seller Impersonation Cases from Alliant National's Claims Department

Company Sale of Property

- The recorder's office contacted the agent and stated that another deed was recently recorded involving the same seller and the same property
- The agent relied on the Resolution and had not spoken with anyone at Hailan Property Inc.
- The other title company had worked with the CEO before



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Real Seller Impersonation Cases from Alliant National's Claims Department

Company Sale of Property

- The fake authorized signer was a college student who responded to a Craigslist ad
- Policy limits were paid to the insured
- The insured spent a significant amount improving the property and sued the agent to recover the remaining amount of its loss



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Real Seller Impersonation Cases from Alliant National's Claims Department

Company Sale of Property

- Do not hesitate to contact the company at a number or email you acquire through your own independent due diligence to verify the validity of the transaction



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Quiz

Which of the following properties is most at risk for impersonation fraud?

- A. Vacant land
- B. House in a rural area occupied by its owner
- C. Condo in a bustling city rented by a tenant
- D. Commercial office building



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Properties at Risk

- Vacant land and unoccupied properties
 - Owners often aren't keeping an eye on them
- Unencumbered or “free and clear” properties
 - There are no mortgages or liens to payoff at closing that would reduce the criminal's proceeds
- Even occupied properties are subject to impersonation fraud



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Red Flags

- Vacant land or unoccupied property
- Unencumbered or “free and clear” property
- Sale price below market value
- Mismatched handwriting
- Prior conveyance by quitclaim deed
- Seller or borrower’s address is different from the property address or the tax mailing address
- Use of a Power of Attorney



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Red Flags

- Loan from a hard money lender
- Communication only through text or email
- Parties who are unusually demanding or use high-pressure tactics
- Out-of-town signers who insist on using their own notary
- Refusal to participate in identity verification or inability to pass identity verification



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Steps to Prevent Impersonation Fraud

- Contact the owner using an independently verified phone number and send a letter to the tax mailing address
- If a Power of Attorney is being used, make sure there is a valid reason why someone is unable to sign in person and contact the owner to verify



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Steps to Prevent Impersonation Fraud

- If there's a recent prior conveyance by quitclaim deed, contact the grantor on that deed to confirm the deed was authorized
- Find out if the real estate agent personally knows the seller
- Require signings be conducted in your office and scrutinize the identification provided



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Steps to Prevent Impersonation Fraud

- If documents will be signed outside your office, select the notary and compare the signature on the ID and deed or mortgage with signatures on prior documents in the public record
- Use remote online notarization (RON)
- Third party services can be used to verify the seller or borrower's identity



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Steps to Prevent Impersonation Fraud

- Take your time. Fraudsters use urgency to distract you from red flags. Be aware of anything that makes you feel uneasy and trust your instincts!



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Alliant Search Product Requirements

Different Tax Address

Tax bills and notices are currently being directed to an address other than the situs/property address. The Company requires satisfactory confirmation from the record owner that the Land is in fact being sold. To obtain such confirmation, the Company recommends delivering a letter to the record owner at the address shown on the tax bills (not the situs/property address), which letter requires the record owner to contact the agent and provide a security code contained in the letter. The Company can provide a template for such a letter upon request. Other methods of confirmation may also be acceptable.



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Alliant Search Product Requirements

Uninsured Deeds

The Deed from [Grantor] to [Grantee] recorded in _____, of the Public Records of _____ County, FL, which does not appear to be in connection with an insured transaction, or for which no consideration was paid, must be verified directly with the grantor who has provided acceptable identification. Proof of such verification and identification must be retained in the agent's file.



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Alliant Search Product Requirements

Forged and Fraudulent Releases

Regarding that certain Satisfaction recorded in Official Records Book ____, Page ____, there appears to be no new mortgage. Agent should confirm with [Lender on satisfied mortgage] that the Mortgage recorded in Official Records Book ____, Page ____ has, in fact, been paid off and that the Satisfaction is valid.



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Alliant Search Product Requirements

US Citizens

For US citizens signing in another state, we require a Florida notary be used for remote online notarization (RON). We do not require RON approval for US citizens because they can meet the knowledge-based authentication (KBA) requirements as part of the RON signing process.



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Alliant Search Product Requirements

Non-US Citizens Who Can Pass KBA

If the seller or borrower is not a US citizen and is signing outside the US, you may conduct a RON closing using a Florida RON notary, if the signer has an established credit history and is able to pass knowledge-based authentication.



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Alliant Search Product Requirements

Non-US Citizens Who Cannot Pass KBA

- Virginia RON notary
- A licensed professional must attend the RON session and sign an Affidavit of Identity
 - The licensed professional must personally know the signer well enough to vouch for their identity
 - The licensed professional must be able to pass KBA
- If you are using NotaryCam, we will provide an approval letter

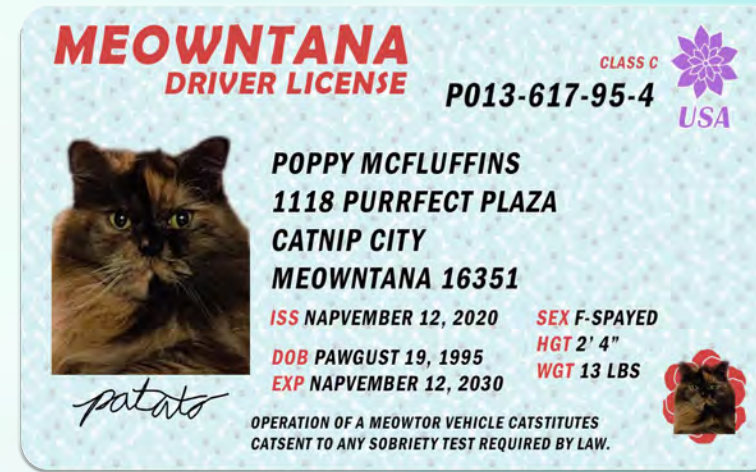


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Tips for Spotting Fake Identification

- Compare the photo and the physical description with the appearance of the person signing
 - Pay attention to features that generally do not change
 - Check the height and birth date to confirm they're consistent with who's signing



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Tips for Spotting Fake Identification

- Compare the signature on the ID with the signature on the notarized document
- Physically handle and inspect the ID up close
 - Real IDs will generally be thick with smooth, rounded corners
 - Look for indications in the lamination that the ID is fake, such as peeling, air bubbles, or rough edges
 - A raised picture could indicate that another photo was placed on top of a real ID



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Tips for Spotting Fake Identification

Out-of-State Identification

- IDs have different designs depending on the state that issued them
 - Use an internet search to learn the specifics for a particular state
 - Reference the ID Checking Guide, which has information and the format for driver's licenses in all 50 states
- Confirm the license number has the correct format and number of characters for that state



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Tips for Spotting Fake Identification

Out-of-State Identification

- Check for security features that may be used in that state, such as:
 - Microprint that requires a magnifying glass
 - Holographic images visible only under UV light
 - Features visible only when viewing the ID in the light at a certain angle
 - Features that can be felt, like laser perforations or raised characters
- Examine the back of the ID for any required elements



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Tips for Spotting Fake Identification

Optically Variable Ghost (OVG) with UV
Visible with card tilt and fluoresces with UV light.

Designated Header Color
Class E driver licenses are indicated by a green header.

REAL ID Compliant

License Type
CLASS E

Driver License Number
D123-456-83-789-0

Date of Birth
DOB 10/10/1983

Expiration Date
EXPIRES 10/10/2028

Designations
VETERAN

Gold Look-Through Element
Turns clear when backlit and fluoresces under UV light with mini-portrait.

Tactile Feature

Issue Date
ISSUED 03/30/2020

Restrictions and Endorsements
Open area below will show date until which certain cardholder restrictions and/or endorsements expire, including:
EPO UNTIL MM/DD/CCYY (Employment Purposes Only)
BPO UNTIL MM/DD/CCYY (Business Purposes Only)
IID UNTIL MM/DD/CCYY (Ignition Interlock Device)
HAZMAT UNTIL MM/DD/CCYY (HazMat Endorsement)

Redundant Data
1 DRIVER
2 FLORIDA SAMPLE
1 LAST NAME
2 FIRST MIDDLE NAME

2D Barcode

1D Barcode (For Inventory use only)

Redundant Data

Replacement Statement
Section 322.19, F.S.

FLHSMV Website
WWW.FLHSMV.GOV

Lifetime License Designations
Indicators always appear in the same order and location:

- Sportsman's
- Boater
- Freshwater
- Saltwater
- Hunting



Florida Legislative Efforts

Lee County Pilot Program - FL Statute § 28.2225

- Pilot program for title fraud prevention through identity verification
- Requires individuals presenting a deed or other conveyance instrument for recording to provide a government-issued photographic identification card
- This pilot program ended in July 2025- information and feedback to be provided to the government by the end of the year



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Florida Legislative Efforts

Recording Notification Service - FL Statute § 28.47

- Each county clerk must create and operate a free recording notification service
- Registrants may subscribe to receive notifications for at least five monitored identities per email address
- A “monitored identity” means a personal or business name or a parcel identification number
- When a document purporting to convey or encumber real property is recorded for a monitored identity, a notification must be sent within 24 hours



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Florida Legislative Efforts

Quieting Title - FL Statute § 65.091

- Florida Statute § 65.091 permits summary procedure under Florida Statute § 51.011 for quiet title actions based on fraudulent conveyances
- The court clerk must provide a simplified form for the filing of a complaint to quiet title based on a fraudulent attempted conveyance and instructions for completing the form



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What To Do If You Suspect Impersonation Fraud

- Be careful not to use the words “fraud” or “forgery” when communicating your concerns
- Any suspicions of fraud should not be communicated to any other party without prior approval by your manager or supervisor
- Not taking these precautions could result in a defamation suit against you and your office if your suspicions are unfounded



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What To Do If You Suspect Impersonation Fraud

If you suspect fraud or forgery do NOT

- Disburse any funds
- Issue the title commitment or title policy
- Record any instruments

until you investigate further to determine whether a fraud is taking place

Contact your office management and/or the Alliant National Underwriting or Claims Department



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Crime Watch Program



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Quiz

What can an agent win for participating in Alliant National's Crime Watch Program?

- A. Engraved pencil
- B. \$5 gift card to Applebee's
- C. Certificate of "thanks"
- D. \$1,000



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Answer

What can an agent win for participating in Alliant National's Crime Watch Program?

- A. Engraved pencil
- B. \$5 gift card to Applebee's
- C. Certificate of "thanks"
- D. \$1,000



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Crime Watch Program

Eligibility to receive the \$1,000 award:

- Employee of an active Alliant agent in good standing
- Must have prevented a fraudulent transaction or forgery in connection with a real estate transaction that was to be insured by Alliant
- Office manager must send all pertinent documentation along with an Award Nomination Form within 60 days after the discovery of the fraud

Disclaimer – Not Guaranteed to Last!



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How Can Your Customers Protect Themselves From Impersonation Fraud?

- Sign up for free property alerts through the Florida court clerks website
- Setup Google alerts for notifications if their property address is listed for sale online
- Absentee owners should regularly check their property or ask a neighbor to keep watch
- Keep an eye on their mail
- Regularly check their credit report



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What About Title Monitoring Services?

- Many of these services simply alert the owner if something is filed against their property in the public records
- Some do not compensate the owner for their loss or hire counsel to help them clear title
- All Florida counties, and many other counties throughout the country, offer free property notifications for filed documents



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What About Title Monitoring Services?

- Other services claim to “lock” or “freeze” title
- These companies record a document against the property to alert interested parties that the document must be removed before the property can be sold or mortgaged
- It is not possible to “lock” or “freeze” your title and these attempts will not prevent future documents from being recorded against the property



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What About Title Monitoring Services?

- Fraudsters can forge a release of the document in the same manner that they forge a deed or mortgage
- When the owner is ready to sell or refinance in the future, they will need to first get a release, which could delay their closing
- Since many years may pass before an owner decides to sell or refinance, the company that filed the document may have gone out of business and be unavailable to provide a release



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Conclusion



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Thank You!

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