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OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

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DISTRICT ATTORNEY

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Guidelines for Completing the Real Estate Fraud Complaint Form

Before filling out the attached complaint form, please take the time to read these guidelines. They will help you to understand our function, and we will be better able to understand and act on your complaint.

What We Can Do:

The San Diego District Attorney's Office (SDDA) Real Estate Fraud Unit will review for investigation real estate fraud related cases occurring in San Diego County. The types of cases which will be considered for investigation by the SDDA Real Estate Fraud Unit are frauds that result from various fraudulent real estate transactions and/or schemes such as: submission of forged loan applications; fraudulent transfers of title of real property; recordation of fraudulent real estate documents; home equity sale contract fraud; and mortgage foreclosure consultant fraud.

When we receive a consumer complaint, we review all the information and the supporting documentation that is included. Note that we are ethically able to file charges only where we can prove all elements of a criminal offense, usually including specific intent to commit theft, beyond a reasonable doubt to twelve unanimous jurors in a court of law. This is appropriately an incredibly high burden for the prosecution and many cases do not meet this burden, which prevents us from proceeding.

If the complaint does not meet our criteria to open a case, we will do our best to refer you to an agency that will appropriately handle the type of matter involved. Many real estate consumer disputes are not appropriate for government action but are altogether proper for private legal action. It is generally a good idea to consult with private counsel to explore private legal remedies that might be available.

This office is not legally permitted to represent individuals in civil matters, help cancel any debt due on a contract that was signed, resolve or mediate individual contractual complaints, or obtain any other personal relief. An excellent resource for you to get started on receiving non-criminal assistance is the non-profit San Diego Housing Opportunities Collaborative. Check their website for their next free home clinic and resources: www.housingcollaborative.org. You can also call 1-888-999-HOPE for a HUD-approved housing counseling agency.

If you believe you have been a victim of real estate fraud, or you have suffered a loss involving your home or purchase of a home due to fraud, you must complete this complaint form for us to review your case. **An electronic version of this form that can be filled in is available upon request by emailing a request to: REForm@sdcdca.org.**

How You Can Help Us Help You:

- A. Write or type a summary of your complaint and attach the summary to the complaint form. We cannot review your complaint without a complete concise statement of the facts. At a minimum, please include the following information in your statement:**
1. Tell us **what** happened in chronological detail and be specific. You should tag as exhibits any supporting documents and refer to those exhibits in your narrative (i.e., "We found a deed that I did not sign at the County Recorder. See Exhibit A.")
 2. Tell us **who** you think the person(s) or company that is responsible for the loss, conversion(s) or fraudulent act- and **why** you conclude that.
 3. Tell us **where** (address, city and state) the incident, conversions or act(s) took place. Please include property address(es) involved in the fraudulent transaction(s).
 4. Tell us **when** and **how** you first became aware that you may have been defrauded. If individual(s) or a company is named in your complaint, please list exact dates of contact. If someone else made you aware of the potential crime, please include the person's name(s), address(es) and telephone number(s).
 5. Tell **how** you know the representations were false or how you know money was misused.
 6. Tell us what your actual financial loss is, if known, and how you arrived at that figure. Do not include lost interest, unrealized profits or missed opportunities.
- B.** Documentary evidence is especially important; therefore, please include **photocopies** of all documents and materials (*contracts, agreements, certificates, notes, deeds, correspondences, legible copies of involved checks, front and back, escrow and/or loan documents, etc.*) you wish us to review. **Please retain the originals for your records.**
- C. Type or print clearly in ink.**
- D.** Upon completion of all sections of the complaint form, please mail the form along with an attached narrative that includes the matters set out in Section A above, along with copies of your supporting documentation to:

**Office of the District Attorney
Real Estate Fraud Section
P.O. Box 121011
San Diego, CA 92112-1011**

All complaints must have the attached complaint form completely filled out, signed and dated by the complaining party (not by their attorney) before a case can be opened. All complaints must also include the narrative described above in Section A. Failure to submit a complete complaint form and narrative will result in your complaint being returned to you and will delay your matter getting reviewed.

We sincerely hope this information will be of assistance to you.