

## **GUIDELINES FOR COMPLETING THE REAL ESTATE 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 County District Attorney's Office (SDCDA) Real Estate Fraud Unit will review for investigation real estate fraud related cases occurring in San Diego County. Examples of the types of cases which will be considered for investigation by the SDCDA Real Estate Fraud Unit are as follows: 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 real estate 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 assist you with the type of matter involved.

Many real estate disputes are not appropriate for criminal charges, but can be pursued through private civil legal action. 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. It is generally a good idea to consult with a private civil attorney to explore civil legal remedies that might be available.

If you need a civil lawyer to assist you in determining what, if any, civil remedies you may have, you may visit the following State of California website, which lists certified lawyer referral services at <http://www.calbar.ca.gov/public/need-Legal-Help/lawyer-Referral-Service>, or the San Diego County Bar Association's website, which also contains lawyer referral information at <https://www.sdcbba.org>.

An additional excellent resource for you to get started on receiving non-criminal assistance is the Department of Housing and Urban Development (HUD) website: <https://www.hud.gov/states/california/homeownership/hsgcounseling>. HUD is the Federal agency responsible for national policy and programs dealing with America's housing needs and enforce fair housing laws. This website has a search function to look up all the HUD approved housing counseling and foreclosure avoidance counseling agencies in your area.

### **SUBMITTING A REAL ESTATE COMPLAINT**

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: [RealEstateFraudComplaints@sdcdca.org](mailto:RealEstateFraudComplaints@sdcdca.org)

All complaints must have the complaint form filled out completely, signed and dated by the complaining party (not by their attorney) before a case can be opened.

All complaints must also include the summary/narrative attached. See the section below "HOW TO COMPLETE THE SUMMARY/ NARRATIVE" for further instruction on what we need you to include.

Failure to submit a complete complaint form and summary/narrative will result in your case being closed and a letter sent to you explaining why the complaint is not complete. Once we receive the additional information requested to make the complaint complete, we will re-open your case for review.

## **WHERE TO SUBMIT YOUR COMPLETED PACKET**

Upon completion of all sections of the complaint form, please mail or email the form along with an attached summary/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  
Email: [RealEstateFraudComplaints@sdca.org](mailto:RealEstateFraudComplaints@sdca.org)

## **HOW TO COMPLETE THE SUMMARY/ NARRATIVE**

Write or type a summary/ narrative of your complaint and attach the summary to the complaint form. We cannot review your complaint without a complete statement of the facts. Type or print clearly in ink. At a minimum, please include the following information in your statement:

1. Tell us what happened in the order in which events occurred (from first to last) and be specific. You should label as exhibits any supporting documents that you refer to in your summary (i.e., "We found a deed that I did not sign at the County Recorder. See Exhibit A.")
2. Tell us who you think is responsible for the loss (person/ persons or company), conversion(s) (unauthorized use or withholding of money or property that rightfully belongs to another person), or fraudulent act- and why you think that they are responsible.
3. Tell us where (address, city and state) the incident(s), conversion(s), 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 their name(s), address(es) and telephone number(s).
5. Tell how you know the representations were false or how you know money was misused. A representation is the act of disclosing important information either in written form or verbally that will help the one being informed to decide the correct course of action.
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 (profits you thought you would get but did not occur) or missed opportunities.
7. Documents that support your claim are especially important; therefore, please include photocopies or scanned copies 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.