

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1040**, establishing a committee to study the laws and procedures governing the filing and registering of quitclaim deeds in the state.

**Hearing Date:** March 19, 2026

**Time Opened:** 1:31 p.m.

**Time Closed:** 1:58 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Reardon

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill establishes a committee to study the laws and procedures governing the filing and registering of quitclaim deeds in the state.

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**Sponsors:**

Rep. Turer

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**Who supports the bill:** Representative Eric Turer, Joanie McIntire (NH Assoc. of Realtors), Nancy Lee Greiner, Cory Stone, Jasen Stock (NH Timberland Owners Association), and Robert Johnson II (NH Farm Bureau).

**Who opposes the bill:** None.

**Who is neutral on the bill:** Nancy DeAngelis (NH Attorney General).

**Summary of the testimony presented:**

**Representative Eric Turer**, representing Brentwood in Rockingham County, introduced House Bill 1040 as the prime sponsor. He explained that he is not an expert in property law or title processes, but the bill was prompted by a 92-year-old constituent, Jim McGeeon, who repeatedly raised concerns about title theft through the quitclaim deed process during the representative's monthly office hours.

- Rep. Turer described McGeeon as a practical and thoughtful individual with whom he often had lengthy discussions despite differing political views. He noted that McGeeon had intended to testify but was unable to attend due to a family tragedy, as his son had died in a house fire the day before, and he asked that the committee keep the family in their thoughts.

- Explained that after researching the issue and consulting stakeholders, he became convinced that title theft is a real and growing problem in New Hampshire and that the state is lagging behind others in addressing it. He stated that the bill proposes establishing a study committee because there are many differing viewpoints and policy approaches, and no clear consensus yet on what solution would best fit New Hampshire.
- Emphasized that real estate is often a person's largest asset, making it a prime target for fraud. He explained that title theft typically involves stealing the value of property rather than physically occupying it, often through remote transactions that are difficult to detect. He noted that while vacant land is commonly targeted, approximately one in ten cases involve occupied single-family homes, meaning homeowners can lose value from their property while still living in it.
- Clarified that the underlying actions are already criminal, but the issue is how quickly bad actors can extract value, such as by flipping the property after recording a fraudulent deed or using it as collateral for loans, often making recovery of funds impossible.
- He referenced a June 1, 2025 consumer alert from the New Hampshire Attorney General warning of quitclaim deed fraud and recommending steps such as setting alerts, monitoring property records, and checking utilities, but he argued that these measures only mitigate harm after fraud occurs and place the burden on property owners. He added that these scams often target elderly individuals and noted that technological solutions may not be practical for everyone, referencing his constituent's use of a flip phone.
- Explained that national efforts are increasingly focused on prevention and warned that states with weaker safeguards may become targets for out-of-state criminals. He cited a 2025 National Association of Realtors survey of 43 states and territories, which found that more than three in five respondents reported incidents of deed or title fraud in the past year, with the Northeast having the highest rate at 92 percent reporting at least one incident.
- Stated that in New Hampshire, quitclaim deeds cannot be distinguished from warranty deeds, and registers of deeds are required under RSA 478:4 to record all documents presented to them without discretion, even if they appear suspicious. He noted that RSA 478:42 allows registers to refer suspicious lien filings to a county attorney, but this authority does not apply to deeds themselves, limiting early intervention. He also explained that many fraudulent filings involve out-of-state parties and unknown notaries.
- Outlined a range of policy options used in other states, including granting registers discretion to reject suspicious filings, providing safe harbor protections for those decisions, distinguishing quitclaim deeds in statute, requiring additional verification for out-of-state filers, implementing known-filer systems,

and exploring technologies such as blockchain for transaction validation. He acknowledged that these approaches could involve costs and administrative burdens, reinforcing the need for a study committee to evaluate options carefully.

- Concluded that while it may not be possible to eliminate all fraud, New Hampshire should take steps to match or exceed protections in other states to avoid becoming a target.
- Senator Gannon commented that they appreciated Rep. Turer's commitment to holding monthly office hours and engaging with constituents across political differences, describing it as a positive example of bipartisan collaboration and responsiveness.
  - Rep. Turer responded that he wished his constituent had been able to attend and described him as a unique individual whose presence would have been valuable to the committee.

**Joanie McIntyre**, a real estate agent in Concord and vice chair of public policy for the New Hampshire Association of Realtors, testified in support of continuing House Bill 1040 as a study committee. She stated that while quitclaim deeds themselves are not typically handled by realtors, land fraud, particularly involving vacant land, is a significant and growing issue.

- Shared a personal example in which she received a call from a man claiming to own land in Grafton and seeking to sell it. Although the conversation initially seemed legitimate, she later checked available tools through the association, including a phone lookup app and property records, and found inconsistencies. She warned another agent not to engage, suspecting fraud.
- Noted that some cases progress as far as the closing table and emphasized that these scams are increasingly common. She also stated that unraveling fraudulent transactions after closing can be extremely difficult and that realtors believe this issue requires continued discussion and policy development.
- Senator Reardon asked whether it is standard practice for realtors to verify ownership, such as obtaining a legal description or a copy of the deed, before agreeing to list a property.
  - Joanie McIntyre responded that while there is no strict requirement, best practices now include verifying identity through a driver's license, reviewing deeds, visiting the property, and even speaking with neighbors. She noted that these precautions have become more necessary due to increased fraud but are not mandated rules.
    - Senator Reardon followed up by suggesting that the issue is not the quitclaim deed itself but rather the lack of verification of ownership in transactions.

- o Joanie McIntyre agreed, stating that the problem lies in the circumstances surrounding the transaction rather than the statutory form of the deed, and emphasized that fraud tactics are constantly evolving.
- Senator Abbas asked whether land fraud occurs more frequently when property is held in a trust versus individual ownership.
  - o Joanie McIntyre responded that she did not have specific data on that distinction but noted that fraud cases are often shared anecdotally. She described an example where a fraudulent sale reached the closing stage but was stopped when the title company could not verify the seller's identity.
- Senator Abbas then asked what red flags the title company identified in that case.
  - o Joanie McIntyre explained that inconsistencies arose when the purported seller, who was overseas, could not appear or verify identity during the closing process, which ultimately halted the transaction.

**Nancy DeAngelis**, an assistant attorney general in the elder abuse and exploitation unit at the New Hampshire Attorney General's Office, testified in a neutral capacity to provide information. She explained that her unit frequently encounters these cases because they disproportionately affect older individuals.

- In an attempt to help the committee understand all of the parties involved in these cases, she walked through a detailed real-world example of a fraud scheme in which a scammer impersonates a property owner, contacts a real estate agent online, and completes the entire transaction remotely.
- The scammer uses a convincing email address, signs documents electronically, and never meets any party in person. A buyer is secured for a cash transaction, avoiding lender oversight and title insurance requirements. The scammer then works with attorneys who also never meet them, forges notarization using publicly available notary information, and receives wired funds into an account created using stolen identity information. The fraudulent deed is recorded, and the real property owner often does not discover the theft until receiving a tax form such as a 1099. She noted that one potential prevention method could involve notifying property owners at the address on file before closing.
- Senator Abbas asked whether attorneys receive training to identify these scams, noting that many red flags such as remote communication and wire transfers are common.

- o Nancy DeAngelis explained that in the example case, all parties except the impersonator were local, including the attorney, who relied on the real estate agent's referral and never met the client in person.
- Senator Reardon asked whether scammers typically use the real property owner's name.
  - o Nancy DeAngelis confirmed that they do and often provide highly convincing fake identification documents, including driver's licenses.
- Senator Reardon raised the issue that a quitclaim deed only conveys whatever interest a person actually has, suggesting that fraudulent transfers should not ultimately defeat true ownership.
  - o Nancy DeAngelis responded that in the example case a warranty deed was used instead, and because the transaction was cash-based, no title insurance was required. She explained that this creates disputes between innocent buyers and the true property owners, often requiring costly legal actions such as quiet title proceedings to resolve.
- Senator Reardon asked whether the attorney representing the fraudulent seller could face liability.
  - o DeAngelis responded that such issues would need to be evaluated case by case and emphasized that the broader goal is to identify all points in the transaction process where safeguards and best practices could be improved.
- Senator Reardon then suggested that the core issue is not quitclaim deeds specifically but rather fraud schemes that may use various legal instruments.
  - o DeAngelis agreed, stating that the problem is fundamentally impersonation fraud rather than the specific type of deed used.