



County Recorders' Association of California

2011/12 Legislative Committee

April 2, 2012

Committee Chair

LESLIE MORGAN
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The Honorable Mike Feuer
Assembly Member
State Capitol
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Sacramento, CA 94249-0042

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- Alameda County
- Butte County
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Oppose: Assembly Bill 2299

Dear Assemblymember Feuer,

The County Recorders Association of California must oppose Assembly Bill 2299. Our opposition is based on the proposed change in the fundamental purpose of a real estate land records system established prior to the founding of the United States. The sole reason that Recorder's offices exists is to archive public records that provide constructive notice. This process is the foundation of land ownership and the integrity of this system is essential. Beginning as early as 1641 the citizenry has recognized the importance of constructive notice to our freedom. This leading to the recording of deeds at the local level and the availability of those records to anyone interested in conducting business related to that property. Historically governments have used control of records related to land ownership to be oppressive and elitist in controlling those they rule. In many countries today citizens are prevented from knowing who owns what real estate unless the 'government' allows them to know.

County Recorders throughout the State uphold the public's right to access and view land records. We support the established legal doctrine of 'constructive notice' ensuring that everyone knows about and has access to the records we maintain related to real estate transactions. AB 2299 would disassemble constructive notice, the cornerstone to property rights in California. AB 2299 would establish a class of individuals who could hide their interests in real property. By hiding their information individuals will be able to conduct business outside of the public's view resulting in different classes of property owners and the demise of California's constructive notice property rights system. Recorder's offices make complete, accurate and permanent records. Every document recorded is indexed in a manner which allows them to be found and provide constructive notice. AB2299 will eliminate the ability to find documents in our records. The moment there is even one document that is redacted from the index, the system begins to crumble.

County Recorders understand the risks associated with having a real property public records system, a system Recorders are responsible for administering. County Recorders have not only been threatened but in fact physically assaulted as a result of

performing their duties. However, having a bifurcated system of real property records, as AB 2299 creates, is not the answer to this threat, it would be the beginning of the end of the constructive notice system, damaging the rights of all Californians.

For these reasons the County Records' Association of California respectfully **opposes Assembly Bill 2299.**

Sincerely,

County Records' Association of California
Legislative Committee

A handwritten signature in black ink, appearing to read "Leslie Morgan", with a long horizontal flourish extending to the right.

Leslie Morgan, Committee Chair