



TACIR INSIGHT

TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
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PROTECTING TENNESSEANS FROM REAL ESTATE FRAUD

Background

In 2024, a criminal's attempt to seize ownership of Elvis Presley's Graceland estate through forgery and fraud received national attention but reports of real estate fraud in Tennessee had already caught the eye of state legislators. Public Chapter 941, Acts of 2024, directed the Tennessee Advisory Commission on Intergovernmental Relations to study the

- prevalence of real estate fraud in Tennessee,
- different schemes used to perpetrate real estate fraud,
- methods used by other states to combat real estate fraud, and
- best practices for local officials in registering documents related to real estate transactions.

Findings and Recommendations

The commission finds that real estate fraud is becoming a problem in Tennessee, and it makes the following recommendations for the General Assembly to better protect property owners and reduce the risk of real estate fraud:

- **Require in-person notaries to complete an instructional course on notary laws, ethical requirements, and best notarial practices, including specific guidance about recognizing and preventing fraud, both when applying to become a notary and when renewing their commission.**
- **Require that notaries verify the identity of individuals by means of a government-issued credential and that notaries be required to maintain a journal of all notarizations performed and keep these journals for at least five years.**
- **Grant counties the authority to establish processes to refer and review real estate documents that county registers of deeds have reason to suspect are fraudulent.**
- **Enact an Identity Verification Pilot Program modeled after laws in Arkansas, Florida, and Texas, and grant registers of deeds in all counties the authority to participate in this program. Participating registers should also be authorized to require third-party credential analysis and identity proofing for individuals to have deeds registered in person.**
- **Define specific felony offenses for deed theft and real property fraud within the state's criminal code and authorize higher fines for these crimes.**

For more, see the full report on our website at: <https://www.tn.gov/tacir/tacir-publications.html>.