Georgia Man Arrested Trespassing in His Home

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I. Abstract

On March 19, 2024, a seventy-seven-year-old Georgia homeowner was arrested for trespassing in his own home after it was sold through a disputed foreclosure. A review of *Vines v. LaSalle Bank* shows why Georgia law remains unreliable at keeping elders in their homes after title theft. Drawing on Illinois law, this article recommends that Georgia adopt Illinois's ready-made, reliable model for keeping elders in their homes after title theft.

II. Introduction

The Allman events present the human experience; *Vines* exposes the problem of placing the litigation burden on a dispossessed homeowner after title theft; and Illinois law supplies the proposed solution.

III. The Georgia Problem and the Illinois Solution

A. Charles and Charmaine Allman on March 19, 2024

Charles Allman had lived with his wife, Charmaine, in the same home for more than two decades. Then Charles came home one day and saw their belongings on the lawn.

A man claimed that he had purchased the home through foreclosure. Charles Allman knew that he and Charmaine had paid off their mortgage, so he refused to leave. He was arrested for trespassing in the home.[1]

By the time the fraud was addressed, Charles Allman had already been arrested and the Allmans had been forced from their home.

B. *Vines v. LaSalle Bank*

According to *Vines*, the foreclosure purchaser is the sole owner of the property until and unless the sale is set aside, and a wrongful-foreclosure challenge cannot be asserted as a defense to the purchaser's dispossessory action.[2]

The court affirmed the writ of possession even though the homeowners alleged that they had paid the mortgage in full.

Before the wrongful-foreclosure action is resolved, the homeowners may be forced from their home, secure another residence, move their belongings, and bear the burden of litigating to recover a home they have already lost.

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[1] See Ashli Lincoln, *77-Year-Old Man Arrested, Couple Forced to Move After Their DeKalb Home Is Stolen in Fraud Case*, WSB-TV (Mar. 22, 2024), https://www.wsbtv.com/news/local/dekalb-county/77-year-old-man-arrested-couple-forced-move-after-thier-dekalb-home-is-stolen-fraud-case/WFT6WJUDGZEJFPFHA3W2V4JSOI/ (hereinafter the "Allman Problem").

[2] *Vines v. LaSalle Bank Nat'l Ass'n*, 302 Ga. App. 353, 353–54, 691 S.E.2d 242, 243–44 (2010).

C. The Illinois Difference

Illinois supplies the statutory sequence Georgia lacks.[3] Its Code section 15-1506 provides that, in a foreclosure trial, evidence supporting the complaint "shall be taken in open court" and that "[i]n all cases the evidence of the indebtedness and the mortgage foreclosed shall be exhibited to the court and appropriately marked, and copies thereof shall be filed with the court."[4] Section 15-1507 then provides that, "upon entry of a judgment of foreclosure, the real estate which is the subject of the judgment shall be sold at a judicial sale."[5] That sequence matches an older homeowner's ordinary expectation: the court decides the validity of the foreclosure claim before an elder is forced from the residence.

D. Georgia Legislation

Georgia's effort to improve title security may be read in Act 549 itself. The Act provides that "the owner of any real property may bring an action against an individual who has knowingly filed, entered, or recorded, or caused to be filed, entered, or recorded, in any public record a false or forged deed or other instrument purporting to convey the owner's interest to such real property to such individual or a third party or purporting to encumber the owner's interest to such real property."[6]

However, relying on a damages remedy may be feckless if the wrongdoer is unidentified, unreachable, insolvent, or judgment-proof. Money damages may not restore all the moving costs, lost or damaged personal property, or the security lost when an elder homeowner is forced to move.

In *Lee v. Deutsche Bank National Trust Co.* (2024), Georgia allowed a homeowner to recover their home title when a security deed had a forged signature.[7]

The Georgia General Assembly should continue the protective work begun by Act 549 by requiring judicial verification before the forced sale of an elder homeowner's occupied residence. This article recommends that Georgia provide this protection to owner-occupants who are sixty-two years of age or older.[8]

E. Public Policy

1. Home Equity Is Retirement Security

For many elder homeowners, the home they occupy is both shelter and their principal reserve against poverty and displacement. A forced sale therefore threatens both present housing and long-term retirement security.

2. Title Theft Shows Why Equity Attracts Risk

State studies document substantial losses suffered by older adults through exploitative deed transfers and fraudulent real-estate transactions.[9] These documented losses show

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[3] See also 765 Ill. Comp. Stat. 945/15, 945/20 (2024); 12 U.S.C. § 1715z-20(b)(1) (2024) (as applied to reverse-mortgage retirees).

[4] 735 Ill. Comp. Stat. 5/15-1506(a), (b) (2024).

[5] 735 Ill. Comp. Stat. 5/15-1507(a) (2024).

[6] H.B. 1292, Act 549, 157th Gen. Assemb., Reg. Sess. § 2-3, ll. 227–32 (Ga. 2024), https://www.legis.ga.gov/api/legislation/document/20232024/229549.

[7] *Lee v. Deutsche Bank Nat'l Tr. Co.*, No. A24A0514, slip op. at 2, 8–11 (Ga. Ct. App. Oct. 24, 2024).

[8] See also 12 U.S.C. § 1715z-20(b)(1) (2024).

[9] See Pa. Dep't of Aging, *Financial Exploitation of Older Adults Study Report* 19, 25–27 (2020), https://www.pa.gov/.../financial-exploitation-study-report.pdf (reporting seven house-transfer-by-deed cases, $328,970.42 in losses, and an average loss of $54,828); Yufan Huang & Alan Lawitz, N.Y. State Office of Children & Family Servs., *The New York State Cost of Financial Exploitation Study* (2016), https://ocfs.ny.gov/reports/aps/Cost-of-Financial-Exploitation-Study-2016May.pdf (reporting a $23,987,977 statewide estimate of losses involving real estate).

that fraudulent real-estate transactions can threaten the accumulated equity of elder homeowners.

Georgia's own consumer-protection materials recognize title theft as a real-property fraud risk: title theft occurs when a criminal impersonates a property owner and sells or takes out a second mortgage on the owner's property, and in the worst case the home goes into foreclosure.[10] The same state guidance warns that older adults who own their homes are at higher risk of title theft because of the equity in the home.[11]

The FBI has likewise warned that quitclaim-deed fraud and home-title-theft schemes involve forged documents, phony transfers of ownership, fraudulent sales, mortgages, or rentals, and public-record searches for properties that lack mortgages or other liens.[12]

A separate FBI alert warns that criminals use generative AI to make fraud schemes more believable and easier to scale, including through synthetic text, images, identification documents, audio impersonation, and real-time video.[13] Generative AI thus raises the cost of relying on unverified documents.

3. A New Product Marketed to Georgians

The marketing of Home Title Lock[14] and EquityProtect[15] shows that private companies now sell title-monitoring and home-equity protection services in Georgia.

Georgia law should protect elder homeowners before a forced sale rather than leave them to purchase private title-monitoring services.[16]

4. We the People: The Citizens of Georgia

Georgia law should protect, advocate for, and fight for justice for each and every citizen—a member of our civic tribe.

For Georgia, adopting the Illinois law can keep an elder homeowner in residence.

The foreclosure claimant must first ask a judge for permission to sell before the elder owner-occupant's home is sold.

The power-of-sale clause is built into Georgia's standard residential security deed, leaving borrowers no practical ability to reject it regardless of whether they would actually consent.

A take-it-or-leave-it clause is not truly heartfelt consent.

IV. Conclusions and Recommendations

Georgia can and should prevent another homeowner from suffering the "Allman Problem."

Lawmakers should enact Georgia's own reliable version of Illinois law[17] to keep elders in their homes after title fraud.

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[10] Ga. Att'y Gen.'s Consumer Prot. Div., *Title Theft and Unsolicited Real Estate, Brokerage, and Mortgage Solicitations*, https://consumer.georgia.gov/title-theft-and-unsolicited-real-estate-brokerage-and-mortgage-solicitations (last visited June 22, 2026).

[11] Id.

[12] Fed. Bureau of Investigation, *FBI Boston Warns Quit Claim Deed Fraud Is on the Rise* (Apr. 1, 2025), https://www.fbi.gov/contact-us/field-offices/boston/news/fbi-boston-warns-quit-claim-deed-fraud-is-on-the-rise-.

[13] Fed. Bureau of Investigation, *Criminals Use Generative Artificial Intelligence to Facilitate Financial Fraud*, Alert No. I-120324-PSA (Dec. 3, 2024), https://www.fbi.gov/investigate/cyber/alerts/2024/criminals-use-generative-artificial-intelligence-to-facilitate-financial-fraud.

[14] See Home Title Lock, *Protect Your Home with Home Title Lock's Million Dollar TripleLock® Protection*, https://www.hometitlelock.com/ (last visited July 8, 2026).

[15] See EquityProtect, *Home Equity Protection from Title Fraud*, https://www.equityprotect.com/ (last visited July 8, 2026).

[16] 735 Ill. Comp. Stat. 5/15-1506(a), 5/15-1507(a) (2024).

[17] See 735 Ill. Comp. Stat. 5/15-1506(a), (b), 5/15-1507(a) (2024).