

## **Americans in Punta Banda Mexico Bring Criminal Complaint Against Federal Government; Hundreds of Americans in Baja Mexico May Lose Homes Without Their Day in Court.**

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The Federal District Attorney here initially refused to admit, but eventually accepted a criminal lawsuit against the Federal Government and Bancomer, Mexico's second largest bank.

The complaint was filed by U.S. Citizens who built approximately 200 homes at a federally approved tourist development, some costing as much as one million dollars.

A local newspaper reported that the complaint denounced the illegal eviction, threats, abuse of authority, influence peddling and other related offenses. It also stated that Assistant Federal District Attorney, Moises Urbina Jacome, declined to disclose information concerning the reasons for having not initially accepted the Americans' criminal complaint.

This most recent filing is one of many filed in the last six months before the courts in Mexico. These actions were taken in response to attempts in October of last by the Federal Government, through Federal Agrarian Reform Ministry, to evict several hundred Americans from homes built since 1989.

The Americans claim, beginning in 1988 they legally entered into contracts with a developer authorized by the Federal Government to develop what were then federally owned properties. This authorization allowed them to build homes and occupy the property for a term of 30 years. They were also told they could but the property once certain formalities were met to convert it from federal to private property.

Since that time a group of private land owners successfully litigated their right to the title of this property. This litigation wasn't concluded until several years after the Americans had built their homes on what was then federal property.

[pilcrow (paragraph sign)] The Americans insist they are good faith possessors and should have been notified as affected third parties in that litigation.

**Dennis John Peyton**, an attorney representing 200 families facing the possibility of losing their life savings, stated that, "As affected third parties these Americans should have been notified during the litigation to be heard in court and allowed to defend their rights. These private land owners had a duty under law to make the court aware of the Americans' homes but chose not to do so."

The criminal filing added that the Mexican Federal Agrarian Reform Ministry had full knowledge of the title problems since they were the defendants in the title litigation brought by the private land owners. Never-the-less, during the years when the Americans were spending millions building homes, neither the private landowners nor Mexican Federal Government ever made any attempt to stop them from starting or continuing construction. In fact, no such attempt has ever been made to this day.

On the contrary, during the planning stages of construction, the Americans were encouraged to "buy" with a letter from the Mexican Federal Agrarian Reform Ministry affirming "the absolute legality and legal safety" of building a home there.

More recently, members of the same group of private land owners, now frustrated and tired of years of litigation, have publicly alleged that the Mexican Federal Agrarian Reform Ministry was involved in their being illegally dispossessed of their property.

As reported by Zeta, a well respected Tijuana weekly newspaper, two of the private land owners stated that Mexican officials invented a map of the development in order to dispossess Mexican citizens of their properties. This, in spite of having been notified of the suspensions handed down by the fourth, fifth and seventh Baja California District Courts, and despite the fact that they knew that the property was in litigation.

The Zeta report summarized that the State of Baja California permitted and covered up the illegalities of the tourist development. The State Government was fully aware that the prior administration had cancelled the subdivision and construction permits in compliance with the suspensions ordered by the fourth, fifth and seventh Baja California District Courts.

Both the private land owners as well as the Americans seem to agree on one thing: that corruption in the Mexican Government at both the State and Federal levels seems to be at the root of the problem now facing both groups.

Attorney **Peyton** concluded by saying "It's very troubling that ultimately more than 500 Americans, having invested more than 20 million dollars in a tourist development, officially blessed by the Mexican Government, could somehow be suddenly evicted from their homes without ever having the opportunity to defend themselves in a court of law. This problem was created by the Mexican Government, why haven't they stepped forward to help find a solution? What message is being sent to other Americans thinking about investing in Mexico? I think the message is clear."