

SUPPRESSED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED
MAR 13 2013
U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.
)
DANIELA M. SPIRIDON,)
)
a.k.a., Daniela M. Schroeder,)
)
Defendant.)

4: 13CR00101JAR

INDICTMENT

COUNT I

The Grand Jury charges:

At all times relevant herein:

1. DANIELA M. SPIRIDON, also known as Daniela M. Schroeder, the defendant herein, and other persons known and unknown to the grand jury, did voluntarily and intentionally devise and participate in a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

2. At all times pertinent to this scheme, DANIELA M. SPIRIDON, the defendant herein, conducted and transacted business within the Eastern District of Missouri, California and elsewhere.

3. DANIELA M. SPIRIDON has managed, owned, operated, and was or claims to have been affiliated with several businesses which she operated in the Eastern District of Missouri and elsewhere. These businesses included: A&AD Investments, LLC; CDRS ESC Investments, a.k.a. CDRS ESC and CDRS (hereinafter "CDRS"), LLC; Elite Escrow Title, Inc.; Evolve Bank;

First National Bank; First National Bank of Layton, Utah; Proficio Mortgage; and Sentrix Loan Production Office, a.k.a. Sentrix LPO and Sentrix (hereinafter "Sentrix LPO").

4. DANIELA M. SPIRIDON formerly conducted business out of an office space at 18118a Chesterfield Airport Road, Chesterfield, Missouri.

5. DANIELA M. SPIRIDON maintained personal and business banking accounts at First Community Credit Union, 1st Financial Federal Credit Union, and JP Morgan Chase Bank, all being federally insured financial institutions that offered services in and affecting interstate commerce, including services in the Eastern District of Missouri, and elsewhere.

6. As part of the scheme, DANIELA M. SPIRIDON falsely and fraudulently offered buyers mechanisms to purchase certain properties, including properties that were acquired by lenders through foreclosure and held in inventory, also known as Real Estate Owned (REO) properties. DANIELA M. SPIRIDON falsely and fraudulently offered to broker purchases or arrange for financing related to the purchase or sale of the REO properties. During all times herein, DANIELA M. SPIRIDON never completed a purchase nor obtained bank financing for any purchaser listed herein.

7. As part of the scheme, DANIELA M. SPIRIDON located properties that had been foreclosed upon or properties available for sale.

8. As part of the scheme, DANIELA M. SPIRIDON induced potential buyers to place a monetary deposit on the properties. DANIELA M. SPIRIDON falsely and fraudulently represented that the monetary deposit would be placed into an escrow, but the monetary deposit was instead placed into a non-escrow account in a company that DANIELA M. SPIRIDON controlled.

9. As part of the scheme, DANIELA M. SPIRIDON executed and provided false and fraudulent documentation that the funds were being held in escrow and the funds would be applied towards the purchase of the real estate property.

10. As part of the scheme, DANIELA M. SPIRIDON falsely and fraudulently represented to the buyers that their funds were placed in escrow and were earning interest.

11. As part of the scheme, DANIELA M. SPIRIDON often fraudulently used buyers' funds for personal expenses, rather than to use the funds to secure real property or financing. In other instances, DANIELA M. SPIRIDON used buyers' funds to reimburse other buyers who demanded their funds be returned.

Scheme to Defraud T.O.

12. As part of the scheme, in or around July 2011 an individual, hereinafter referred to as T.O., met with DANIELA M. SPIRIDON, the defendant herein, at her office located in Chesterfield, Missouri. DANIELA M. SPIRIDON falsely and fraudulently represented to T.O. that he could purchase a property located at 14656 Adgers Wharf Drive in Chesterfield, Missouri. DANIELA M. SPIRIDON, the defendant herein, falsely and fraudulently represented to T.O. that the property could be purchased under a short-sale transaction whereby the owner of the property, with the consent of the lender, would sell the property to T.O. for less than the amount owed. DANIELA M. SPIRIDON falsely and fraudulently represented that the property was controlled by Fannie Mae (Federal National Mortgage Association). DANIELA M. SPIRIDON falsely and fraudulently represented to T.O. that he had to put money down on the property and that the more money he put down, the more likely Fannie Mae would select him as a buyer.

13. As part of the scheme, on or about August 25, 2011, DANIELA M. SPIRIDON induced T.O. to wire \$50,000 from his account at Southern Commercial Bank to Sentrix LPO account xxxxx7855 at First Community Credit Union located in the Eastern District of Missouri. DANIELA M. SPIRIDON, a signatory of the Sentrix LPO account, falsely represented that the money would be held in escrow and he would receive the money back if the deal did not go through.

14. On or about August 27, 2011, DANIELA M. SPIRIDON sent an email to T.O. where she falsely and fraudulently represented that he had put \$50,000 of earnest money on the address 14656 Adgers Wharf Drive in Chesterfield, Missouri.

15. On or about May 18, 2012, the property at 14656 Adgers Wharf Drive, Chesterfield, Missouri was sold between two private individuals. The property was never controlled by nor owned by Fannie Mae nor DANIELA M. SPIRIDON during 2011.

16. T.O. became aware that the property at 14656 Adgers Wharf Drive was sold to another individual. On or about September 24, 2012, T.O. contacted DANIELA M. SPIRIDON regarding his earnest money. DANIELA M. SPIRIDON falsely represented that his earnest money was in escrow earning interest. T.O. demanded that the earnest money be refunded to him.

17. In order to conceal the scheme, on or about October 17, 2012, DANIELA M. SPIRIDON caused to be delivered to T.O. a \$50,000 cashier's check drawn on the Sentrix LPO account at First Community Credit Union, St. Louis, Missouri. The cashier's check was funded, at least in part, by moneys DANIELA M. SPIRIDON fraudulently obtained from an individual, hereinafter described as A.D.

18. As part of the scheme, in or around September 2012, DANIELA M. SPIRIDON entered into a contract with A.D. in which A.D. believed he was to purchase three REO properties in California. DANIELA M. SPIRIDON induced A.D. to deposit \$156,000 into a A&AD Investments' bank account based upon false representations she made to A.D. One of the false representations DANIELA M. SPIRIDON made to A.D. was that some of his money would be used to remove a lien on the properties. The bank account for A&AD Investments was controlled by DANIELA M. SPIRIDON.

19. On or about September 24, 2012, in California, A.D., as directed by DANIELA M. SPIRIDON, the defendant herein, deposited a cashier's check in the amount of \$156,000 into the account of A&AD Investments at JP Morgan. DANIELA M. SPIRIDON who had control of A&AD Investments account at JP Morgan, used a portion of these funds to repay DCM Investments, which was operated by an individual, hereinafter referred to as S.D.

20. As part of the scheme and in order to conceal the scheme, on or about October 16, 2012, DANIELA M. SPIRIDON directed A.D. to transfer \$135,000 into the Elite Escrow account. DANIELA M. SPIRIDON controlled the funds deposited into Elite Escrow by A.D. In order to continue to conceal the scheme, DANIELA M. SPIRIDON used a portion of these funds to T.O.

21. On or about August 25, 2011, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to

do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from T.O. in the amount of \$50,000 from his account at Southern Commercial Bank to Sentrix LPO account xxxxx7855 at First Community Credit Union located in the Eastern District of Missouri, In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT II

Scheme to Defraud N.A.1

The Grand Jury further charges that:

1. The allegations of Paragraphs 1 - 11 of Count I of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.
2. As part of the scheme, between in or around December 2011 and in or around June 2012, the exact dates being unknown, DANIELA M. SPIRIDON, the defendant herein, had a telephone conversation with an individual, hereinafter referred to as N.A.1. N.A.1 is an owner of SLG Capital, LLC (hereinafter, SLG Capital), in Irvine, California. SLG Capital invests in real estate projects. During the telephone conversation, DANIELA M. SPIRIDON falsely and fraudulently represented that she was acting on behalf of various banks to sell REO properties.
3. After a telephone call conversation, DANIELA M. SPIRIDON met with N.A.1 She provided N.A.1 with a list of multiple properties that she falsely and fraudulently represented she had the authority to sell on behalf of the banks. She represented that the properties were worth \$53,703,432, and she falsely and fraudulently represented that she had the authority to sell the properties for \$34,171,758, or approximately 64% of their value. DANIELA M. SPIRIDON required N.A.1 to provide \$150,000 in earnest money to purchase the properties.

4. On or about February 28, 2012, based upon the false and fraudulent representations of DANIELA M. SPIRIDON, N.A.1 authorized the wiring of \$150,000 from Wilshire Escrow Company to CDRS's account number xxxx8071 at the 1st Financial Federal Credit Union, located in the Eastern District of Missouri. DANIELA M. SPIRIDON had control over funds deposited into CDRS's account at 1st Financial Federal Credit Union. DANIELA M. SPIRIDON falsely and fraudulently represented to N.A.1 that the funds deposited into the CDRS bank account would be held in escrow.

5. As part of the scheme, DANIELA M. SPIRIDON then falsely and fraudulently used some of N.A.1's funds for personal expenses and to pay other victims instead of using the funds to purchase the properties as promised.

6. On or about February 28, 2012, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from Wilshire Escrow Company in the amount of \$150,000 from its account at City National Bank LA to CDRS ESC Investment account xxxx8071 at 1st Financial Federal Credit Union located in the Eastern District of Missouri,

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT III

Scheme to Defraud A.R.

The Grand Jury further charges that:

1. The allegations of Paragraphs 1 - 11 of Count I of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

2. In or around 2011, the exact dates unknown, DANIELA M. SPIRIDON, the defendant herein, met with an individual, hereinafter referred to as A.R., in Chesterfield, Missouri, so that A.R. could obtain a construction loan. A.R. wanted to obtain the loan to build a Quick Stop convenience store with a strip mall in East St. Louis, Illinois.

3. DANIELA M. SPIRIDON falsely and fraudulently represented to A.R. a company called Proficio Mortgage would provide a portion of the construction loan and the Small Business Association (SBA) would provide a portion of the construction loan.

4. As part of the scheme, DANIELA M. SPIRIDON falsely and fraudulently informed A.R. that in order to obtain the construction loan, he would be required to make a ten percent down payment for the loan. In addition, DANIELA M. SPIRIDON falsely and fraudulently informed A.R. that funds would have to be paid to Sentrix LPO for loan processing fees, appraisals fees and other expenses. As a result, on or about June 9, 2011, A.R. gave DANIELA M. SPIRIDON a cashier's check made payable to Sentrix LPO in the amount of \$28,672.50.

5. DANIELA M. SPIRIDON falsely and fraudulently represented to A.R. that he should deposit \$65,000 into a certificate of deposit (CD) to show he could afford payments on the loan. DANIELA M. SPIRIDON gave A.R. instructions on how to wire the funds. Following DANIELA M. SPIRIDON's instructions, on or about June 22, 2011, A.R. caused to be wired

\$40,000 to Sentrix LPO at First Community Credit Union; and on or about July 18, 2011, A.R. caused to be wired \$25,000 to Sentrix LPO at First Community Credit Union.

6. In or around September 2011, DANIELA M. SPIRIDON provided A.R. with a false, fictitious, and fraudulent Letter of Interest whereby Proficio Mortgage allegedly agreed to loan certain funds to A.R. As a result of false and fraudulent representations made by DANIELA M. SPIRIDON A.R. made a ten percent down payment for the property on which he wished to build the Quick Stop convenience store and strip mall. DANIELA M. SPIRIDON falsely and fraudulently represented to A.R. that he would be required to wire the money to the Sentrix LPO's account at First Community Credit Union in order to secure the loan. As a result, on or about September 12, 2011, A.R. had \$102,300 wired to Sentrix LPO's account at First Community Credit Union.

7. As a result of DANIELA M. SPIRIDON's fraudulent representations, A.R. began construction of the Quick Stop convenience store and strip mall. DANIELA M. SPIRIDON failed to provide additional funding and failed to secure the loan for the Quick Stop and strip mall as she had represented she would do.

8. A.R. also wanted to purchase property located at 12523 Missouri Bottom Road, in Hazelwood, Missouri. DANIELA M. SPIRIDON falsely and fraudulently represented to A.R. that First National Bank would provide financing for the purchase of the property. Subsequently, DANIELA M. SPIRIDON provided A.R. a false, fictitious and fraudulent letter that First National Bank approved the loan. As part of the financing, A.R. provided a \$25,000 check to DANIELA M. SPIRIDON, payable to Sentrix LPO, which was deposited in Sentrix LPO's account at First Community Credit Union on or about September 30, 2011. DANIELA M.

SPIRIDON falsely and fraudulently represented that the funds would be held in escrow. The funds were never held in escrow and DANIELA M. SPIRIDON used a portion of the funds for personal expenditures, including putting some of the funds towards the purchase of a 2012 SLK350 Mercedes Benz.

9. As part of the scheme and in order to conceal the scheme, DANIELA M. SPIRIDON returned some, but not all, of the funds to A.R.

10. Between on or about June 22, 2011 and on or about September 12, 2011, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from a bank account associated with Riverside Quick Stop, LLC, at First Illinois Bank in the amount of \$40,000 to Sentrax LPO account xxxxx7855 at First Community Credit Union located in the Eastern District of Missouri;

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT IV

Scheme to Defraud R.C.

1. The allegations of Paragraphs 1 - 11 of Count I of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

2. In or around 2012 an individual, hereinafter referred to as R.C., wanted to purchase a foreclosed property. As part of the scheme, DANIELA M. SPIRIDON, the defendant herein, falsely and fraudulently represented that she would assist in the purchase of a foreclosed property located at 142 Exbourne, San Carlos, California. DANIELA M. SPIRIDON falsely and fraudulently represented to R.C. that she worked for First National Bank as a loan officer. At the time of the false representation, DANIELA M. SPIRIDON was not employed by First National Bank.

3. As part of the scheme, in or around August 2012 DANIELA M. SPIRIDON falsely and fraudulently represented to R.C. that he had to send to her a fee to participate in an auction for the property. DANIELA M. SPIRIDON also falsely and fraudulently represented that she would assist R.C. in obtaining a loan for the purchase of the property.

4. DANIELA M. SPIRIDON falsely and fraudulently represented that R.C.'s funds would be held in escrow. DANIELA M. SPIRIDON provided to R.C. a false and fictitious letter purportedly from FNB Bank dated August 8, 2012, that represented that he had been pre-approved for a loan in the amount of \$650,000 with which to purchase the property at 142 Exbourne, San Carlos, California.

5. As a result of DANIELA M. SPIRIDON's false representations, and at her directions, R.C. sent \$65,000, in three separate wires, to DANIELA M. SPIRIDON. On or about August 9, 2012, R.C. caused to be wired \$15,000 to Sentrix LPO's account xxxx7855 at First Community Credit Union, in the Eastern District of Missouri; on or about August 9, 2012, R.C. again caused to be wired \$15,000 to Sentrix LPO's account at First Community Credit Union; and on or about August 15, 2012, R.C. caused to be wired \$35,000 to Sentrix LPO's account at First Community

Credit Union. DANIELA M. SPIRIDON controlled Sentrix LPO's account held at First Community Credit Union.

6. DANIELA M. SPIRIDON, the defendant herein, falsely and fraudulently represented to R.C. that he won the bid for the 142 Exbourne, San Carlos, California when in fact on or about December 17, 2012, the holder of the deed of trust won the bid for the property.

7. R.C. never obtained the property and demanded that the funds be returned. DANIELA M. SPIRIDON promised to return R.C.'s money by February 8, 2013.

8. As part of the scheme and in order to conceal the scheme, on or about February 19, 2013, DANIELA M. SPIRIDON wrote a check in the amount \$66,200 to repay R.C. When these funds were deposited in R.C.'s account, the check was returned for insufficient funds.

9. DANIELA M. SPIRIDON used a portion of R.C.'s funds for personal expenses.

10. On or about August 9, 2012, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from R.C. in the amount of \$15,000 from his account at Bank of America NYC to Sentrix LPO account xxxxx7855 at First Community Credit Union located in the Eastern District of Missouri, In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT V

Scheme to Defraud S.D. and DCM Investment Funds

1. The allegations of Paragraphs 1 - 11 and 17-20 of Count I of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.
2. On or about January 31, 2012, during a conference telephone call, DANIELA M. SPIRIDON, the defendant herein, was introduced to S.D. through a business associate. As part of the scheme, DANIELA M. SPIRIDON falsely and fraudulently represented to S.D. that she had contractual control over \$1 billion of REO properties through various banks. DANIELA M. SPIRIDON falsely and fraudulently represented to S.D. that she had control of these properties through her company CDRS. DANIELA M. SPIRIDON falsely and fraudulently claimed that she was authorized to sell the REO properties at less than market value.
3. S.D. agreed to purchase through DANIELA M. SPIRIDON approximately seven REO properties for \$1,374,960. At DANIELA M. SPIRIDON's insistence, S.D. agreed to provide \$155,000 as a down payment. DANIELA M. SPIRIDON falsely and fraudulently represented to S.D. that the money would be held in escrow with her company, CDRS. S.D. was provided wiring instructions which required him to send the funds to an account at 1st Financial Federal Credit Union in St. Charles, Missouri. DANIELA M. SPIRIDON falsely and fraudulently represented to S.D. that once the funds were wired, the properties would be sold to DCM Investment Funds within a two week time frame.
4. On or about February 3, 2012, as a down payment on the REO properties he was purchasing from DANIELA M. SPIRIDON, S.D. wired \$155,000 from DCM Investment Fund I, LLC's account at Wells Fargo Bank in California to CDRS's account at 1st Financial Federal

Credit Union, which is located in the Eastern District of Missouri. DANIELA M. SPIRIDON falsely and fraudulently represented that these funds would be held in escrow with her company. These funds were deposited in CDRS's 1st Financial Federal Credit Union account #xxxxx8071. DANIELA M. SPIRIDON had control over the funds deposited into CDRS's account at 1st Financial Federal Credit Union.

5. DANIELA M. SPIRIDON did not use the \$155,000 to purchase the REO properties but used a portion of the funds for her personal expense, and used some of the funds to put toward the purchase of a 2008 S550 Mercedes Benz.

6. When the sale failed to materialize, S.D. demanded that DANIELA M. SPIRIDON return the funds to him.

7. In or around September 2012, S.D. received a refund from DANIELA M. SPIRIDON's totaling \$155,000. A portion of the refund sent to S.D. was money fraudulently obtained from A.D. as described in paragraphs 17 - 20 of Count I.

8. On or about February 3, 2012, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from DCM Investment Fund I, LLC, in the amount of \$155,000 from its account at Wells Fargo to CDRS

ESC Investment account xxxxx8071 at 1st Financial Federal Credit Union located in the Eastern District of Missouri,

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT VI

Scheme to Defraud N.A.2 and Namroud Investments, LLC

1. The allegations of Paragraphs 1 - 11 of Count I of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

2. As part of the scheme, between in or around January 2012 and in or around April 2012, DANIELA M. SPIRIDON, the defendant herein, falsely and fraudulently represented that she would assist Namroud Investments, LLC, a.k.a. Namroud Investment, LLC (hereinafter “Namroud Investments”) in purchasing properties in California.

3. N.A.2, M.S., H.E. and others operated or were associated with Namroud Investments which invested in various real estate properties in California. Namroud Investments sought to purchase real estate in the Orange County area, in California. CDRS was falsely and fraudulently listed as the seller of the properties.

4. As part of the scheme, DANIELA M. SPIRIDON provided and caused to be provided to N.A.2 with a contract for Namroud Investments to purchase properties for \$1.2 million. As part of the contract, N.A.2 was required to wire \$127,000 to CDRS. DANIELA M. SPIRIDON falsely and fraudulently represented to N.A.2 that the \$127,000 would be held in escrow at CDRS.

5. On or about January 27, 2012, H.E. caused to be wired \$127,609.40 from a Wells Fargo account to CDRS account xxx8071 located at 1st Financial Federal Credit Union, in the

Eastern District of Missouri. DANIELA M. SPIRIDON had control over the funds deposited into CDRS's account at 1st Financial Federal Credit Union. Instead of using the funds to purchase the properties, DANIELA M. SPIRIDON used a portion of the funds for her personal use and put some of the funds toward the purchase of a 2012 E350A Mercedes Benz.

6. On or about February 3, 2012, DANIELA M. SPIRIDON persuaded M.S. to enter into a false and fraudulent REO Pool Sale Agreement whereby CDRS was to sell a several properties, referred to as a pool, to Namroud Investments.

8. M.S. received a document from CDRS dated February 3, 2012, that falsely and fraudulently represented that CDRS received \$127,609.40 into an escrow account.

9. On or about March 7, 2012, after the discovery that the properties were purchased by other individuals, N.A.2 demanded that DANIELA M. SPIRIDON return the funds paid to CDRS.

10. As part of the scheme and in order to conceal the scheme, on or about March 20, 2012, Namroud Investments was provided a check from CDRS for \$127,609.40. When the check was deposited, it was returned because of insufficient funds.

11. On or about January 27, 2012, in the Eastern District of Missouri and elsewhere,

DANIELA M. SPIRIDON

the defendant herein, having voluntarily and intentionally devised a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and in attempting to do so, did knowingly transmit and caused to be transmitted in interstate commerce by wire certain writings, signs, signals, pictures and sounds, namely a wire transfer from H.E. in the

amount of \$127,609.40 from an account at Wells Fargo to CDRS ESC Investment account xxxxx8071 at 1st Financial Federal Credit Union located in the Eastern District of Missouri, In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 1343 as set forth in Counts I through VI of the indictment, the defendant shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense.
2. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.
3. Specific property subject to forfeiture includes, but is not limited to, the following:
 - a. 2008 Mercedes Benz, S550, VIN: WDDNG71X78A229681
 - b. 2012 Mercedes Benz, E350A, VIN: WDDKK5KF8CF136238
 - c. 2012 Mercedes Benz, SLK350, VIN: WDDPK5HA6CF007853
4. If any of the property described above, as a result of any act or omission of the defendant(s):
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

ROBERT F. LIVERGOOD, 35432 MO
Assistant United States Attorney