

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

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§

v.

No. 3:05-CR-124-M

DAI QUOC NGUYEN (02)

FACTUAL RESUME

Dai Quoc Nguyen, John Nicholson, the defendant's attorney, and the United States of America (the government), represent the following elements and facts to this Honorable Court as follows:

ELEMENTS OF THE OFFENSES

Count 1

Conspiracy to Commit Mail Fraud, Wire Fraud, and Illegal Monetary Transactions  
(Violation of 18 U.S.C. § 371 [18 U.S.C. §§ 1341, 1343, and 1957(a)])

First: That the defendant and at least one other person made an agreement to commit the crime of mail fraud, wire fraud, or engaging in illegal monetary transactions as charged in the indictment;

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

Counts 13, 14, and 15

Wire Fraud and Aiding and Abetting  
(Violation of 18 U.S.C. §§ 1343 and 2)

First: That the defendant knowingly joined a scheme to defraud, that is to: recruit straw purchasers and borrowers to apparently purchase

targeted residences in the Dallas-Fort Worth area; fraudulently inflate the value of the targeted residences; prepare and submit false and fraudulent loan applications in the names of the straw purchasers in order to secure a mortgage loan based on the inflated value of the targeted residences; obtain substantially inflated loans from Countrywide Home Loans, d.b.a. America's Wholesale Lender, based on the false and fraudulent misrepresentations about the value of the targeted residences; and pay the original owners of the targeted single family residence and distribute the remaining fraudulently obtained loan proceeds among the coconspirators.

Second: That the defendant acted with a specific intent to commit fraud; and

Third: That the defendant used interstate wire communications facilities or caused another person to use interstate wire communications facilities for the purpose of carrying out the scheme.

#### FACTS

Beginning in or about January 2002, and continuing through on or about August 10, 2002, in the Dallas Division of the Northern District of Texas, and elsewhere, defendant **Dai Quoc Nguyen** joined together and conspired with **Sean Cung-Kim Nguyen**, also known as "Sean Cung Nguyen," **Xuyen Thi-Kim Nguyen**, also known as "Kim Xuyen Nguyen," **Tam Nguyen**, **Hong Thanh Duong**, and **Cuc Kim Tran**, to commit the crimes of: mail fraud, in violation of 18 U.S.C. § 1341; wire fraud, in violation of 18 U.S.C. § 1343; and engaging in illegal monetary transactions, in violation of 18 U.S.C. § 1957(a). **Dai Nguyen** was aware of the unlawful purposes of this conspiracy and joined in it willfully, with the intent to further the conspiracy's unlawful purposes.

In furtherance of the conspiracy and in order to effect the objects thereof, **Dai Nguyen** and his co-conspirators committed and caused to be committed the following overt acts, among others, in the Dallas Division of the Northern District of Texas, and elsewhere:

**421 Ivan Drive, Lewisville, Texas:**

In or about July 2002, **Dai Nguyen** agreed to purchase the residence located at 421 Ivan Drive, Lewisville, Texas from H.N. for \$195,000. On or about July 11, 2002, G.M., an appraiser, prepared a fraudulent Uniform Residential Appraisal Report for 421 Ivan Drive, estimating the market value of that residence to be \$400,000. **Dai Nguyen** now understands that his co-conspirator **Xuyen Nguyen**, assisted by her son **Tam Nguyen**, recruited **Hong Duong** to serve as the straw borrower to purchase 421 Ivan Drive from H.N. As the straw purchaser, **Duong** and another person executed fraudulent loan documents to be submitted to Countrywide Home Loans, d.b.a. America's Wholesale Lender, for financing to close straw borrower **Duong's** purchase of 421 Ivan Drive from H.N. for the inflated amount of \$398,000.

On or about August 1, 2002, **Dai Nguyen**, aided and assisted by other persons, caused the fraudulent loan documents for the purchase of 421 Ivan Drive to be submitted to Countrywide Home Loans, d.b.a. America's Wholesale Lender, seeking a loan in the amount of \$378,100. As a result of this false submission, **Dai Nguyen** agrees and stipulates that he, along with **Sean Nguyen** and others, caused Countrywide Home Loans, d.b.a. America's Wholesale Lender to fund and transmit by wire communication \$372,683.24 from the Bank of New York, New York City, New York to American Title Company's account maintained at Compass Bank in Houston, Texas in order to close straw borrower **Duong's** purchase of 421 Ivan Drive from H.N. **(Count 13)**

On or about August 2, 2002, **Dai Nguyen** caused American Title Company to transmit by wire communication excess loan proceeds in the amount of \$212,200.76 from Compass Bank in Birmingham, Alabama to **Dai Nguyen's** personal account, maintained at Washington Mutual Bank, account number \*\*\*\*\*8155. The wire transfer proceeds to Washington Mutual Bank were

received in Seattle, Washington. **(Count 14)** On or about August 2, 2002, **Dai Nguyen** withdrew a portion of the stolen loan proceeds deposited in his personal account by obtaining cashier's checks payable to co-conspirators, including: a) **Tam Nguyen** for \$26,333; b) **Tam Nguyen** for \$26,333; c) **Sean Nguyen** for \$23,333; d) **Sean Nguyen** for \$23,333; and e) **Sean Nguyen** for \$23,333. **Dai Nguyen** agrees that he received the money in his personal account and that all of this money was fraudulently obtained through the scheme. **Dai Nguyen** received a portion of this stolen money for his involvement in the scheme.

**4010 Ridgecrest Trail, Carrollton, Texas:**

In connection with the fraudulent purchase of the house located at 4010 Ridgecrest Trail in Carrollton, Texas, **Dai Nguyen** now understands that G.M., an appraiser, prepared a fraudulent Uniform Residential Appraisal Report for that house, estimating the market value to be \$350,000. **Dai Nguyen** also now knows that his co-conspirator **Xuyen Nguyen**, assisted by her son **Tam Nguyen**, recruited **Cuc Tran** as a straw borrower to purchase 4010 Ridgecrest Trail from P.N. As the straw purchaser, **Cuc Tran** and another person executed fraudulent loan documents to be submitted to Countrywide Home Loans, d.b.a. America's Wholesale Lender, for financing to close straw borrower **Cuc Tran's** purchase of 4010 Ridgecrest Trail from P.N. for the inflated amount of \$350,000.


On or about August 7, 2002, **Dai Nguyen**, aided and assisted by other persons, caused the fraudulent loan documents for the purchase of 4010 Ridgecrest Trail to be submitted to Countrywide Home Loans, d.b.a. America's Wholesale Lender, seeking a loan in the amount of \$332,500. As a result of this false submission, **Dai Nguyen** agrees and stipulates that he, along with **Sean Nguyen** and others, caused Countrywide Home Loans, d.b.a. America's Wholesale Lender to fund and transmit by wire communication \$326,618.63 from the Bank of New

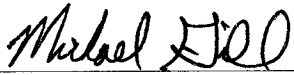
York, New York City, New York, to American Title Company's account maintained at Compass Bank in Houston, Texas in order to close straw borrower **Cuc Tran's** purchase of 4010 Ridgecrest Trail from P.N. (Count 15)

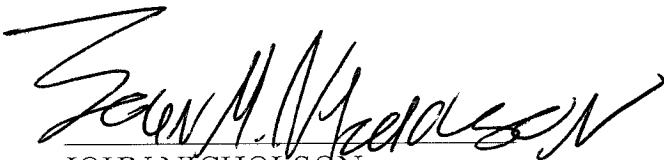
On or about August 9, 2002, **Dai Nguyen** caused American Title Company to transmit by wire communication excess loan proceeds in the amount of \$146,436.65 to **Dai Nguyen's** personal account, maintained at Washington Mutual Bank, account number \*\*\*\*\*8155. On or about August 9, 2002, **Dai Nguyen** withdrew a portion of the loan proceeds deposited in his personal account by obtaining cashier's checks payable to: a) Century Mortgage for \$10,333.33; b) Century Mortgage for \$10,333.33; c) Century Mortgage for \$10,333.33; d) **Tam Nguyen** for \$21,702.66; e) **Tam Nguyen** for \$21,702.66; and f) **Tam Nguyen** for \$21,702.66. At the time of this scheme, **Sean Nguyen** was employed as a mortgage broker for Century Mortgage, 2410 East Arkansas Lane, Suite 342, Arlington, Texas. **Dai Nguyen** agrees that he received the money in his personal account and that all of this money was fraudulently obtained through the scheme. **Dai Nguyen** received a portion of this stolen money for his involvement in the scheme.

AGREED TO AND SIGNED this 6 day of September, 2005.

RICHARD B. ROPER  
UNITED STATES ATTORNEY

  
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DAI QUOC NGUYEN  
Defendant

  
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