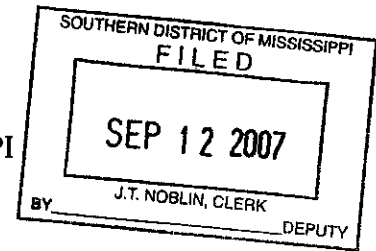


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. *3:07cr102 DPJ-LRA*

BRYAN BARRY, a/k/a BO BARRY

18 U.S.C. § 371
18 U.S.C. § 1343

The Grand Jury charges:

At all times relevant to this indictment:

1. Defendant **BRYAN BARRY, also known as "Bo Barry"** (hereinafter "**BARRY**") was a mortgage broker engaged in the business of obtaining loans for borrowers with various lenders for a fee.

2. During the time frames charged in this Indictment, **BARRY** was working as a mortgage broker in Hinds County in the Jackson Division of the Southern District of Mississippi and elsewhere, and doing business as Raintree County Marketing Company, B.M.B. Mortgage Consultants, Inc., and/or B.M.B. Financial Services, Inc.

COUNT 1

3. Beginning in or about September, 1999, and continuing through the date of this indictment, in Hinds County in the Jackson Division of the Southern District of Mississippi, and elsewhere, defendant **BARRY** along with other persons known and unknown to the Grand Jury, did knowingly and willfully conspire, confederate, and agree together with each other and others known and unknown to the Grand Jury, to commit one or more of the following offenses against the United States:

- A. To knowingly devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme or artifice, and attempting to do so, did place or cause to be placed in any post office or authorized depository for mail matter, documents to be sent or delivered by the Postal Service, or deposit or cause to be deposited documents to be sent or delivered by any private or commercial interstate carrier, in violation of Section 1341, Title 18, United States Code.
- B. To knowingly devise a scheme or artifice or intend to devise a scheme or artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, or promises and, for the purpose of executing the scheme, did transmit or cause to be transmitted by means of wire or radio communications in interstate commerce, any writings, signals or sounds, in violation of Section 1343, Title 18, United States Code.

4. It was an object of the conspiracy that **BARRY** and others would broker mortgages for a fee by obtaining new mortgages or refinancing existing mortgages for borrowers through various lenders.

5. It was further an object of the conspiracy that **BARRY** and others would match up prospective borrowers with mortgage lenders by preparing the loan application and supporting documents for each borrower and submitting the completed loan application package to a lender, all for a fee. No fee was paid to **BARRY** unless he was successful in obtaining a loan for the prospective borrower.

6. It was further an object of the conspiracy for **BARRY** and others to enrich themselves to the detriment of the borrowers and lenders by creating false and fictitious documents to ensure that mortgage loans would be granted to borrowers, which allowed **BARRY** to convert some of the proceeds for his own use and benefit.

7. It was a part of the conspiracy that **BARRY** and others would prepare false and fictitious documents to insure that lenders would make mortgage loans to prospective borrowers. These documents included, but were not limited to, false verification of deposit (“VOD”) documents; false verification of rent (“VOR”) documents; false verification of income (“VOI”) documents; false verification of mortgage (“VOM”) documents; and false documents verifying a borrower’s income, including false Internal Revenue Service W-2 forms. **BARRY** would also make false entries on loan applications consistent with the false documents submitted to the lenders to obtain the loans. The false and fictitious documents, along with the loan application containing false information, would be included in each loan application packet submitted by **BARRY** and others to potential lenders.

8. It was further a part of the conspiracy that **BARRY** and others would create fictitious creditors to which borrowers allegedly were indebted. These fictitious creditors would be listed along with legitimate creditors on the HUD-1 Settlement Statement, or an attachment thereto, so that the closing attorney would issue a check out of the proceeds of the loan to the fictitious creditor. These checks were then given to **BARRY** and others, who would convert those funds to their own use and benefit to the detriment of the borrowers and the lender.

9. It was further a part of the conspiracy that from June, 1999, through the date of this indictment, **BARRY** and others successfully obtained loans for approximately 4 borrowers totaling over \$400,000.00 by creating false documentation and making false entries on documents submitted to the lenders to obtain the loans. **BARRY** used the United States mails, private and commercial carriers and interstate wires, generally by means of facsimiles, to accomplish the purposes of the conspiracy.

OVERT ACTS

In furtherance of the unlawful conspiracy and in order to accomplish the objectives thereof, the following overt acts, among others, were committed:

10. In or about 1999, **BARRY** began working for Raintree County Marketing Company as a mortgage broker and thereafter also operated as a mortgage broker on behalf of B.M.B. Mortgage Consultants, Inc., and/or B.M.B. Financial Services, Inc.

11. On or about September 2, 1999, **BARRY** caused a false verification of mortgage document to be transmitted to a lender, falsely verifying that Borrower #1 had an existing mortgage with a certain lender, for the purpose of refinancing a mortgage loan for Borrower #1.

12. On or about August 17, 1999, **BARRY** caused a false Internal Revenue Service W-2 form to be transmitted to a lender, falsely verifying the income for Borrower #1.

13. On or about October 1, 1999, **BARRY** caused a \$1,199.56 check to be issued to "Brian Bailey", falsely alleged to be a creditor of Borrower #2, from the proceeds of a \$46,750.00 loan to refinance a mortgage loan obtained on behalf of Borrower #2.

14. On or about December 30, 1999, **BARRY** caused a \$472.62 check to be issued to Brian Barry, falsely alleged to be a creditor of Borrower #3, from the proceeds of a \$55,675.00 loan to refinance a mortgage loan obtained on behalf of Borrower #3.

15. On or about September 27, 2002, **BARRY** caused a loan application containing false information, listing Tri-County Properties as a creditor and G & S Investments as an employer, to be transmitted to a lender for the purpose of obtaining a mortgage loan for Borrower #4 for approximately \$274,500.00.

All in violation of Section 371, Title 18, United States Code.

COUNT 2

16. The allegations contained in paragraphs 1-2 and 4-9 of this indictment are hereby realleged and incorporated herein as constituting and describing the scheme and artifice to defraud charged in Count 2.

17. Beginning in or about September, 1999, and continuing through September 30, 2002, in Hinds County, in the Jackson Division of the Southern District of Mississippi and elsewhere, the defendant, **BRYAN BARRY also known as "BO BARRY"**, aided and abetted by others known and unknown to the Grand Jury, knowingly and intentionally devised, intended to devise and carried out and attempted to carry out a scheme to defraud borrowers and lenders and to obtain money by materially false and fraudulent pretenses, representations and promises.

18. It was a part of the scheme that **BARRY** and other affiliated mortgage brokers would seek out prospective borrowers and attempt to qualify them for a home mortgage, typically one that the borrower could not afford.

19. It was a part of the scheme that **BARRY** and other mortgage brokers would obtain the basic information from the borrower. Thereafter, in order to qualify the borrower for the mortgage, **BARRY** or others at his direction, would enter false information onto the loan application forms in an effort induce the lender to make the loan.

20. It was further a part of the scheme that **BARRY** and others would prepare or obtain false documents, which would also be submitted to the lender, to support the false information contained on the loan application, including but not limited to, false VODs, false VORs, false

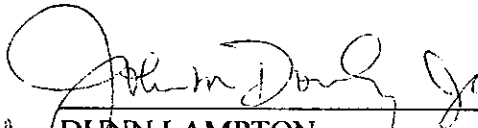
VOMs, and false Internal Revenue Service W-2 forms to verify income. By creating and submitting these false documents, **BARRY** enabled unqualified borrowers to obtain mortgages.

21. It was further a part of the scheme that **BARRY** and others would cause fictitious creditors to be listed on a borrower's HUD-1 Settlement Statement showing that the borrower owed money to a fictitious entity when in fact no such debt was owed. **BARRY** and others would receive these checks made payable to fictitious entities on or about the closing date of the loan.

22. It was further a part of the scheme that **BARRY** and others, knowing that many of the borrowers were unable to afford a down payment, would provide the borrower with the cash for the down payment. This would be accomplished by depositing currency directly into the borrower's account or by purchasing a cashier's check in the name of the borrower. **BARRY** or others at his direction would falsely list that the borrower would provide cash at closing or had funds for the down payment on the loan application and on occasion would provide a false and fraudulent VOD purporting to come from the borrower's bank. By falsely and fraudulently making it appear that the buyer would provide cash at closing or had made his own down payment, **BARRY** created the appearance of a qualified and secured mortgage, thus making the mortgage more marketable and saleable to a mortgage investor.

23. For the purpose of executing the scheme and in furtherance of the scheme, on or about September 27, 2002, **BARRY** caused to be transmitted by means of wire or radio communications in interstate commerce, certain writings, signals or sounds. These wire transmissions in interstate commerce consisted of the facsimile of a loan application fraudulently representing Tri-County Properties as a creditor and G & S Investments as an employer to be transmitted to a lender for the purpose of obtaining a mortgage loan for Borrower #4 for approximately \$274,500.00.

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


for DUNN LAMPTON
United States Attorney

A TRUE BILL:

s/ Signature

Foreperson of the Grand Jury