

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATE OF AMERICA)	INDICTMENT
)	
v)	18 U.S.C. §§ 1343 and 2
)	
JUSTIN L. STUCKEY)	Case No. 1:07-CR-54-TLS

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Maximum Mortgage was a mortgage brokerage company doing business in Fort Wayne, Indiana. Maximum Mortgage obtained financing for the purchase of real estate in Fort Wayne, Indiana from various mortgage lenders in the United States including ABN AMRO based in Ann Arbor, MI.

2. JUSTIN L. STUCKEY was owner and operator of Maximum Mortgage.

3. Accelerated Title was a title company doing business in Fort Wayne, Indiana. Accelerated Title coordinated the receipt of funds from various lenders and prepared the documents necessary to close real estate loan transactions.

4. Alliance Property Management is a property management company doing business in Fort Wayne, Indiana. Alliance Property Management manages numerous rental properties in Fort Wayne, Indiana. Alliance Property Management is owned and operated by RW.

5. Loan applications on behalf of JRN and JN were submitted to ABN AMRO. ABN AMRO had an automated underwriting program called the “FLY” (Fastest Loan Yet) Program that was available to selected mortgage brokers. The FLY program allowed mortgage brokers with access to approve mortgage loans on their own. The supporting documentation did not have to be sent to ABN AMRO until after the closing of the loan. The documentation required by ABN AMRO for a refinance loan approved through the FLY program was much less than that required for an original purchase loan.

**THE SCHEME TO OBTAIN MONEYS OR FUNDS BY MEANS OF FALSE AND
FRAUDULENT PRETENSES AND REPRESENTATIONS**

6. Beginning on or about April 17, 2002 and continuing until on or about June 21, 2002 in Allen County, Fort Wayne, Indiana and elsewhere, JUSTIN L. STUCKEY, defendant herein, and other persons known and unknown to the Grand Jury, knowingly devised and intended to devise a scheme or artifice to defraud, or for obtaining money or property by means of false and fraudulent pretenses, representations, or promises more fully described as follows.

A. JUSTIN L. STUCKEY introduced individuals wanting to purchase rental properties to the owner of Alliance Property Management, RW.

B. In or around March 2002, JRN and JN approached JUSTIN L. STUCKEY about purchasing some rental property in Fort Wayne, Indiana. JUSTIN L. STUCKEY told JRN and JN that he was the only person that could get them the financing they needed in order to purchase the number of rental properties they wanted. JUSTIN L. STUCKEY then told JRN and JN that he had someone he thought they should meet. JUSTIN L. STUCKEY then took JRN and JN to meet RW that very same day.

C. RW gave JRN and JN a list of properties and told them to pick some

properties they thought that they would be interested in purchasing. RW accompanied JRN and JN on some visits to prospective properties.

D. Over the course of three (3) separate closings, JRN eventually purchased the following list of properties from RW:

216 Second St., Fort Wayne, IN	345 Rudisill Blvd., Fort Wayne, IN
415 Agnes St., Fort Wayne, IN	511 Fifth St., Fort Wayne, IN
528 Fifth St., Fort Wayne, IN	532 W. Fourth St., Fort Wayne, IN
536 W. Fourth St., Fort Wayne, IN	538 W. Fourth St., Fort Wayne, IN
612 W. Fourth St., Fort Wayne, IN	673 Huffman St., Fort Wayne, IN
718 Drexel Ave., Fort Wayne, IN	936 Rivermet Ave., Fort Wayne, IN
1021 Tennessee Ave., Fort Wayne, IN	1035 Franklin Ave, Fort Wayne, IN
1043 Saint Mary's Ave., Fort Wayne, IN	1129 Burgess St., Fort Wayne, IN
1306 Elm St., Fort Wayne, IN	1320 High St., Fort Wayne, IN
1325 Saint Mary's Ave., Fort Wayne, IN	1328 Elm St., Fort Wayne, IN
1329 Third St., Fort Wayne, IN	1402 Tecumseh St., Fort Wayne, IN
1404 Dubois St., Fort Wayne, IN	1605 Third St., Fort Wayne, IN
1609 Kelly Dr., Fort Wayne, IN	1613 Kentucky Ave., Fort Wayne, IN
1614 High St., Fort Wayne, IN	1615 Saint Mary's Ave., Fort Wayne, IN
1621 Saint Mary's Ave., Fort Wayne, IN	1703 Franklin Ave., Fort Wayne, IN
1716 Richardson St., Fort Wayne, IN	1723 Howell St., Fort Wayne, IN
1954 W. Fourth St., Fort Wayne, IN	2034 Phenie St., Fort Wayne, IN
2137 Eby Ave., Fort Wayne, IN	2408 Priscilla Ln., Fort Wayne, IN
2421 Thompson Ave., Fort Wayne, IN	2431 Ormsby St., Fort Wayne, IN
3206 Central Dr., Fort Wayne, IN	3221 Clinton Ct., Fort Wayne, IN
3411 Senate Ave., Fort Wayne, IN	3417 Oliver St., Fort Wayne, IN
3510 Weisser Park Ave., Fort Wayne, IN	3711 Newport Ave., Fort Wayne, IN
3801 Barr St., Fort Wayne, IN	3804 Oliver St., Fort Wayne, IN
3805 Smith St., Fort Wayne, IN	4001 Hanna St., Fort Wayne, IN
4034 Reed St., Fort Wayne, IN	4329 Reed St., Fort Wayne, IN
4405 Monroe St., Fort Wayne, IN	5106 Lillie St., Fort Wayne, IN
5220 Reed St., Fort Wayne, IN	5602 Buell Dr., Fort Wayne, IN
5610 Bowser Ave., Fort Wayne, IN	

The total cost was \$2,158,000.00.

E. On or about April 16, 2002, JRN and RW came to an agreement regarding the purchase of some of the properties listed in paragraph D.

FIRST GROUP OF PROPERTIES PURCHASED:

F. On or about April 16, 2002, JRN entered into a Real Estate Purchase Money

Mortgage with RW and Alliance Property Management involving the following block of properties:

1129 Burgess St., Fort Wayne, IN	612 W. Fourth St., Fort Wayne, IN
1320 High St., Fort Wayne, IN	1614 High St., Fort Wayne, IN
1716 Richardson St., Fort Wayne, IN	1043 Saint Mary's Ave., Fort Wayne, IN
1621 Saint Mary's Ave., Fort Wayne, IN	1021 Tennessee Ave., Fort Wayne, IN
1605 Third St., Fort Wayne, IN	

By doing this, JRN became the owner and mortgagee to RW and Alliance Property Management for the price of these properties.

G. On or about April 17, 2002, using ABN AMRO's FLY program, JUSTIN L.

STUCKEY submitted, or caused to be submitted, Uniform Residential Loan Applications on behalf of JRN for the properties listed in paragraph F.

H. These loans were closed by Accelerated Title on or about April 17, 2002.

SECOND GROUP OF PROPERTIES PURCHASED:

I. On or about April 30, 2002, JRN entered into a Real Estate Purchase Money

Mortgage with RW and Alliance Property Management involving the following block of properties:

415 Agnes St., Fort Wayne, IN	5602 Buell Drive, Fort Wayne, IN
3221 Clinton Court, Fort Wayne, IN	5106 Lillie St., Fort Wayne, IN
2137 Eby Ave., Fort Wayne, IN	511 Fifth St., Fort Wayne, IN
528 Fifth St., Fort Wayne, IN	532 W. Fourth St., Fort Wayne, IN
536 W. Fourth St., Fort Wayne, IN	538 W. Fourth St., Fort Wayne, IN
1954 W. Fourth St., Fort Wayne, IN	1035 Franklin Ave., Fort Wayne, IN
1703 Franklin Ave., Fort Wayne, IN	673 Huffman St., Fort Wayne, IN
1609 Kelly Drive, Fort Wayne, IN	1613 Kentucky Ave., Fort Wayne, IN
3711 Newport Ave., Fort Wayne, IN	2408 Priscilla Lane, Fort Wayne, IN
4329 Reed St., Fort Wayne, IN	5220 Reed St., Fort Wayne, IN
936 Rivermet Ave., Fort Wayne, IN	1325 Saint Mary's Ave., Fort Wayne, IN
1615 Saint Mary's Ave., Fort Wayne, IN	216 Second St., Fort Wayne, IN
1402 Tecumseh St., Fort Wayne, IN	1329 Third St., Fort Wayne, IN
2421 Thompson Ave., Fort Wayne, IN	

By doing this, JRN became the owner and mortgagee to RW and Alliance Property Management for the price of these properties.

J. On or about May 1, 2002, using ABN AMRO's FLY program, JUSTIN L. STUCKEY submitted, or caused to be submitted, Uniform Residential Loan Applications on behalf of JRN for the properties listed in paragraph I.

K. These loans were closed by Accelerated Title on or about May 2, 2002.

THIRD GROUP OF PROPERTIES PURCHASED:

L. In or around May 22, 2002, JRN entered into a Real Estate Purchase Money Mortgage with RW and Alliance Property Management involving the following block of properties:

3801 Barr St., Fort Wayne, IN	5610 Bowser Ave., Fort Wayne, IN
3206 Central Dr., Fort Wayne, IN	718 Drexel Ave., Fort Wayne, IN
1306 Elm St., Fort Wayne, IN	4001 Hanna St., Fort Wayne, IN
4405 Monroe St., Fort Wayne, IN	3417 Oliver St., Fort Wayne, IN
3804 Oliver St., Fort Wayne, IN	2431 Ormsby St., Fort Wayne, IN
4034 Reed St., Fort Wayne, IN	345 Rudisill Blvd., Fort Wayne, IN
3411 Senate Ave., Fort Wayne, IN	3805 Smith St., Fort Wayne, IN
3510 Weisser Park Ave., Fort Wayne, IN	

By doing this, JRN became the owner and mortgagee to RW and Alliance Property Management for the price of these properties.

M. On or about May 23, 2002, using ABN AMRO's FLY program, JUSTIN L. STUCKEY submitted, or caused to be submitted, Uniform Residential Loan Applications on behalf of JRN for the properties listed in paragraph L.

N. These loans were closed by Accelerated Title on or about May 23, 2002.

O. The Uniform Residential Loan Applications that were submitted by, or caused to be submitted by, JUSTIN L. STUCKEY on or about April 17, 2002, May 1, 2002 and May 23, 2002 on behalf of JRN, indicated that JRN had owned each of the properties for at least one (1) year, had at least 20% equity in those properties, and was seeking to refinance the mortgages on these properties.

P. The Uniform Residential Loan Applications also contained a section entitled, “Schedule of Real Estate Owned.” This schedule lists numerous rental properties owned by JRN as well as mortgage payment made and and rental income received by JRN on those properties.

Q. Furthermore, contained within the Uniform Residential Loan Application is a section entitled “Describe Other Income.” This section states that certain types of income need not be disclosed if the borrower does not wish it to be considered for repaying the loan. In that section, \$2,204.00 in rental income is listed for JRN. This amount was added to the employment income listed by JRN to arrive at a total amount of income to be considered.

R. JRN did not own any of these properties prior to 2002, and as of the loan application dates, had never made any mortgage payments, nor received any rental income on the above referenced properties. In fact, JRN had never previously owned any rental property. His sole source of income was his employment.

S. Based on the representations made by, or caused to be made by, JUSTIN L. STUCKEY on the Uniform Residential Loan Applications, ABN AMRO loaned funds to JRN for the purchase of the above listed properties.

T. During the course of the scheme, participants in the scheme transmitted, or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures or sounds for the purpose of executing the scheme.

U. The loan proceeds were transmitted by wire from ABN AMRO in Ann Arbor, MI, to the bank account of Accelerated Title. Although located in Fort Wayne, IN, Accelerated Title used a bank that was located in Florida. The loan proceeds were then dispersed by Accelerated Title

during the aforementioned closing dates. JUSTIN L. STUCKEY and Maximum Mortgage received a share of those loan proceeds.

V. JN also selected properties he wished to purchase. Those properties are described as follows:

543 Fifth St., Fort Wayne, IN	1012 Saint Mary's Ave., Fort Wayne, IN
1025 Frankliln Ave., Fort Wayne, IN	1309 Third St. Fort Wayne, IN
1515 E. Rudisill Blvd. Fort Wayne, IN	2613 Pittsburg St., Fort Wayne., IN
2710 Clara Ave., Fort Wayne, IN	2720 New Haven Ave., Fort Wayne, IN
2747 Abott St., Fort Wayne, IN	2806 Knode Ct., Fort Wayne, IN
3009 Drexel Ave., Fort Wayne, IN	3302 Oliver St., Fort Wayne, IN
3305 Hanna St., Fort Wayne, IN	3401 Holton Ave., Fort Wayne, IN
3406 Oliver St., Fort Wayne, IN	3611 Lillie St., Fort Wayne, IN
3806 S. Anthony Blvd., Fort Wayne, IN	3925 Robinwood Dr., Fort Wayne, IN
4005 Warsaw St., Fort Wayne, IN	4336 Spatz Ave., Fort Wayne, IN
4501 Bowser Ave., Fort Wayne, IN	4510 Oliver St., Fort Wayne, IN
4534 Monroe St., Fort Wayne, IN	4637 Spatz Ave., Fort Wayne, IN

W. On or about June 19, 2002, JN and RW came to an agreement regarding the purchase of the properties described in paragraph W. JN agreed to purchase these properties from RW for a total of \$981,000.00. This was to be accomplished at a single closing.

X. To that end, on or about June 19, 2002, JN entered into a Real Estate Purchase Money Mortgage with RW and Alliance Property Management involving the properties described in paragraph W. By doing this, JN became the owner and mortgagee to RW and Alliance Property Management for the price of these properties.

Y. On or about June 19, 2002, using ABN AMRO's FLY program, JUSTIN L. STUCKEY submitted, or caused to be submitted, Uniform Residential Loan Applications on behalf of JN for the properties described in paragraph W.

Z. These loans were closed by Accelerated Title on June 21, 2002.

AA. The Uniform Residential Loan Applications submitted by, or caused to be submitted by, JUSTIN L. STUCKEY on or about June 19, 2002 on behalf of JN indicated that JN had owned each of the properties listed in paragraph W for at least one (1) year, had at least 20% equity in those properties, and was seeking to refinance the mortgages on these properties.

BB. The Uniform Residential Loan Applications also contained a section entitled, "Schedule of Real Estate Owned." This schedule lists numerous rental properties owned by JN as well as mortgage payments made and rents received by JN on those properties. The amount listed for the rent of the various properties was taken from the leases on those properties held by Alliance Property Management.

CC. However, several of the properties listed in the Schedule of Real Estate Owned were vacant at the time of the loan applications. Those properties are described as the following:

1515 Rudisill Blvd., Fort Wayne, IN
4637 Spatz Ave., Fort Wayne, IN
4501 Bowser Ave., Fort Wayne, IN
4510 Oliver St., Fort Wayne, IN
3925 Robinwood Drive, Fort Wayne, IN
3305 Hanna St., Fort Wayne, IN

Rental amounts for these properties nonetheless were listed as income on JN's Schedule of Real Estate Owned. Additionally, for the following properties there was only an unsigned lease agreement and nothing to indicate whether that lease was ever signed, any rents were ever paid, or if the person named ever rented that property at all.

4510 Oliver St., Fort Wayne, IN
1515 Rudisill Blvd., Fort Wayne, IN
3925 Robinwood Drive, Fort Wayne, IN
4637 Spatz Ave., Fort Wayne, IN
3305 Hanna St., Fort Wayne, IN

For the properties at 4510 Oliver Street and 3305 Hanna St., the lease term specified in the unsigned lease was not to begin until after the closing date for the property even though a rental income amount was listed on the Schedule of Real Estate Owned for JN. Furthermore, for the property at 4501 Bowser Ave., Fort Wayne, IN, there was no lease agreement at all even though a rental amount for that property was listed as income for JN.

DD. JN owned none of the properties listed in the Schedule of Real Estate Owned prior to 2002, never made any mortgage payments, nor received any rental payments on the properties described in paragraph V. In fact, at the time of this purchase JN was a 23 year old with no previous rental property experience, and whose sole source of income was his employment.

EE. As part and parcel of the scheme, JUSTIN L. STUCKEY also caused to be created documents entitled, "Verification of Rent or Mortgage." These documents evidenced a pre-existing mortgage between JN and RW on which JN had been making regular payments to RW for several months.

FF. Prior to the June 19, 2002 Real Estate Purchase Money Mortgage, JN had no financial obligations to RW, and had not made any mortgage payments to RW.

GG. Based on the representations made by, or caused to be made by, JUSTIN L. STUCKEY on the Uniform Residential Loan Applications, ABN AMRO lent funds to JN for the purchase of the properties described in paragraph W.

HH. During the course of the scheme, participants transmitted, or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing the scheme or artifice.

II. The loan proceeds were then transmitted by wire from ABN AMRO in Ann Arbor, MI to the bank account of Accelerated Title located in Fort Wayne, IN. The loan proceeds were then dispersed by Accelerated Title during the closing held on June 21, 2002. JUSTIN L. STUCKEY and Maximum Mortgage received a share of these proceeds.

THE CHARGES

THE GRAND JURY CHARGES:

COUNTS 1 through 5

On or about the dates listed below in Allen County, Fort Wayne, IN, in the Northern District of IN,

JUSTIN L. STUCKEY,

defendant herein, and other persons known and unknown to the Grand Jury, having devised a scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent representations, or promises, and for the purpose of executing the scheme, did transmit or cause to be transmitted in interstate or foreign commerce, by means of wire, certain writings, signs, signals, pictures, or sounds, that is, Uniform Residential Loan Applications in the name of JRN and JN which are more particularly described below:

Count	Date Loan App. Submitted	From	To	Property Address
1	4-17-2002	Maximum Mortgage	ABN AMRO/ Interfirst	1716 Richardson St. Fort Wayne, IN
2	5-1-2002	Maximum Mortgage	ABN AMRO/ Interfirst	1404 Dubois St. Fort Wayne, IN
3	5-23-2002	Maximum Mortgage	ABN AMRO/ Interfirst	3206 Central Dr. Fort Wayne, IN
4	6-19-2002	Maximum Mortgage	ABN AMRO/ Interfirst	2747 Abbott St. Fort Wayne, IN
5	6-19-2002	Maximum Mortgage	ABN AMRO/ Interfirst	3009 Drexel Ave. Fort Wayne, IN

All in violation of 18 U.S.C. §§ 1343 and 2.

A TRUE BILL:

/S/ Foreperson
Foreperson

JOSEPH S. VAN BOKKELEN
UNITED STATES ATTORNEY

By: /S/ Lesley J. Miller Lowery
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