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CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK  
**S. MARTIN**

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 )  
11 UNITED STATES OF AMERICA, ) CASE NO.: 1:10-CR-00249 AWI  
12 )  
13 Plaintiff, ) VIOLATION:  
14 ) 18 U.S.C. § 1349 - Conspiracy  
v. ) to Commit Mail Fraud, Wire  
15 ) Fraud, and Bank Fraud  
16 ) [Count 1];  
ERIC RAY HERNANDEZ, ) 18 U.S.C. §§ 1341 - Mail Fraud  
17 ) [Counts 2-19];  
MONICA MARIE HERNANDEZ, aka ) 18 U.S.C. §§ 1957 and 2 -  
18 ) Money Laundering and Aiding  
EVELYN BRIGGET SANCHEZ, ) and Abetting [Counts 20-23]; &  
19 ) Forfeiture Allegation  
DARLING ARLETTE MONTALVO, )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
Defendants. )

23 S U P E R S E D I N G I N D I C T M E N T

1 COUNT ONE: [18 U.S.C. § 1349 - Conspiracy to Commit Mail Fraud,  
2 Wire Fraud, and Bank Fraud]

3 The Grand Jury charges:

4 ERIC RAY HERNANDEZ,  
5 MONICA MARIE HERNANDEZ,  
6 aka Monica Marie Duarte,  
7 EVELYN BRIGGET SANCHEZ,  
8 PATRICIA ANN KING, and  
9 DARLING ARLETTE MONTALVO,

10 defendants herein, as follows:

11 I. PARTIES, PERSONS, AND ENTITIES

12 1. At all relevant times, defendant ERIC RAY HERNANDEZ was a  
13 resident of Bakersfield, California, in the State and Eastern  
14 District of California. Defendant ERIC RAY HERNANDEZ was employed as  
15 a loan officer at Network Source Funding, a mortgage brokerage firm  
16 located in Bakersfield, California, from in and around October 2005  
17 to in and around August 2006. He subsequently worked at New  
18 Millenium Lending, a mortgage brokerage firm also located in  
19 Bakersfield, California, from in and around August 2006 through at  
20 least in and around May 2007.

21 2. At all relevant times, defendant MONICA MARIE HERNANDEZ was  
22 a resident of Bakersfield, California, in the State and Eastern  
23 District of California, and processed mortgage loan transactions with  
24 defendants ERIC RAY HERNANDEZ and EVELYN BRIGGET SANCHEZ. Defendant  
25 MONICA MARIE HERNANDEZ is the spouse of defendant ERIC RAY HERNANDEZ.

26 3. At all relevant times, defendant EVELYN BRIGGET SANCHEZ was  
27 a resident of Bakersfield, California, in the State and Eastern  
28 District of California. Defendant EVELYN BRIGGET SANCHEZ was  
employed as a loan processor at Network Source Funding from in and  
around May 2005 to in and around August 2006. She subsequently  
worked at New Millenium Lending, a mortgage brokerage firm also

1 located in Bakersfield, California, from in and around August 2006  
2 through at least in and around May 2007.

3 4. At all relevant times, defendant PATRICIA ANN KING was a  
4 tax preparer and owned The Tax Kings, located in Bakersfield,  
5 California, in the State and Eastern District of California.

6 5. At all relevant times, defendant DARLING ARLETTE MONTALVO  
7 was a resident of Bakersfield, California, in the State and Eastern  
8 District of California. Defendant DARLING ARLETTE MONTALVO is the  
9 sister of defendant EVELYN BRIGGET SANCHEZ.

10 II. CONSPIRACY

11 6. Beginning on a date unknown to the Grand Jury, but not  
12 later than in and about October 2005, and continuing thereafter to in  
13 and about May 2007, within the State and Eastern District of  
14 California and elsewhere, defendants ERIC RAY HERNANDEZ, MONICA MARIE  
15 HERNANDEZ, EVELYN BRIGGET SANCHEZ, PATRICIA ANN KING, and DARLING  
16 ARLETTE MONTALVO, and others both known and unknown to the Grand  
17 Jury, did knowingly conspire, combine, and confederate with each  
18 other, and with others known and unknown to the Grand Jury, to commit  
19 the following offenses against the United States:

20 a. to execute a scheme and artifice to defraud mortgage  
21 lending companies and federally insured lending/financial  
22 institutions (collectively referred to herein as "Lenders") of  
23 money and property, and to obtain money and property from such  
24 Lenders, by means of materially false and fraudulent pretenses,  
25 representations, and promises, and to cause the United States  
26 mail and commercial carriers to be used in execution of the  
27 scheme to defraud, in violation of Title 18, United States Code,  
28 Section 1341; and

1           b.    to cause signs and signals to be transmitted by means  
2 of wire and radio communications in interstate commerce in  
3 furtherance of the scheme, in violation of Title 18, United  
4 States Code, Section 1343; and

5           c.    to defraud a financial institution, and to obtain  
6 moneys, funds, assets, and other properties under the custody  
7 and control of a financial institution, by means of false and  
8 fraudulent pretenses, representations, and promises, in  
9 violation of Title 18, United States Code, Section 1344.

10           III.   MANNER AND MEANS OF CONSPIRACY

11           During the above-described time period, defendants ERIC RAY  
12 HERNANDEZ, MONICA MARIE HERNANDEZ, EVELYN BRIGGET SANCHEZ, PATRICIA  
13 ANN KING, and DARLING ARLETTE MONTALVO, and others both known and  
14 unknown to the Grand Jury, conspired to defraud Lenders of money and  
15 property, and caused money and property to be obtained from Lenders,  
16 by the following manner, means, and acts:

17           7.    Defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ,  
18 EVELYN BRIGGET SANCHEZ, PATRICIA ANN KING, and DARLING ARLETTE  
19 MONTALVO knowingly, and with the intent to defraud, caused loan  
20 application packages that contained material misstatements and  
21 omitted material information to be submitted to Lenders. The  
22 defendants caused Lenders to fund loans for the purchase and  
23 refinance of real properties based on such false and fraudulent  
24 information. Among other loans, the defendants caused false and  
25 fraudulent loan application packages to be submitted to Lenders by  
26 defendants EVELYN BRIGGET SANCHEZ and DARLING ARLETTE MONTALVO to  
27 enable those defendants to obtain financing for real properties,  
28 including but not limited to the properties at 1501 Galina Ct.,

1 Bakersfield, CA, 8111 Fighting Irish Dr., Bakersfield, CA, and 4401  
2 Vern St., Bakersfield, CA.

3 8. Defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ, and  
4 EVELYN BRIGGET SANCHEZ, submitted to Lenders loan applications that  
5 contained material misstatements and omitted material information.  
6 The material misstatements and material omissions included, but were  
7 not limited to, false statements concerning the borrowers' income,  
8 assets, liabilities, employment status, and intent to occupy the  
9 properties as their personal residences.

10 9. Defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ, and  
11 EVELYN BRIGGET SANCHEZ also caused false supporting documentation in  
12 support of the loan applications to be submitted to Lenders,  
13 including, for example: false pay stubs, false verification letters  
14 purporting to be from the borrowers' tax preparer, false customer  
15 letters purporting to support the borrowers' self-employment status,  
16 and false verifications of the borrowers' bank funds on deposit. At  
17 times, the defendants also temporarily seeded a borrower's bank  
18 account with funds to artificially inflate the borrower's bank  
19 balance prior to the bank's issuance of a verification of deposit.

20 10. Among other false and fraudulent supporting documents, in  
21 some cases defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ,  
22 EVELYN BRIGGET SANCHEZ, and PATRICIA ANN KING caused false  
23 verification letters from defendant PATRICIA ANN KING to be submitted  
24 to Lenders with loan applications on behalf of borrowers, including  
25 with loan applications for defendants EVELYN BRIGGET SANCHEZ and  
26 DARLING ARLETTE MONTALVO. Defendant PATRICIA ANN KING knowingly, and  
27 with the intent to defraud, caused such false verification letters to  
28 be prepared regarding borrowers' income and employment status. In

1 such letters, defendant PATRICIA ANN KING falsely represented that  
2 she had prepared tax returns for the borrowers and had verified the  
3 borrowers' employment information.

4 11. Defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ,  
5 EVELYN BRIGGET SANCHEZ, and PATRICIA ANN KING caused such false  
6 verification letters to be submitted to Lenders in support of loan  
7 applications for the financing of real properties including, but not  
8 limited to: 3803 Mount Celeste Ct., Bakersfield, CA; 4401 Vern St.,  
9 Bakersfield, CA; 5107 Fountain Grass Ave., Bakersfield, CA; 643  
10 Sunset Meadow Ln., Bakersfield, CA; 1501 Galina Ct., Bakersfield, CA;  
11 and 8111 Fighting Irish Dr., Bakersfield, CA.

12 12. In some cases, defendants ERIC RAY HERNANDEZ, MONICA MARIE  
13 HERNANDEZ, EVELYN BRIGGET SANCHEZ, and DARLING ARLETTE MONTALVO  
14 caused false verification letters from defendant DARLING ARLETTE  
15 MONTALVO to be submitted to Lenders in support of buyers' loan  
16 applications. Defendant DARLING ARLETTE MONTALVO knowingly, and with  
17 the intent to defraud, caused such false verifications of employment  
18 status to be provided to Lenders in support of buyers' loan  
19 applications for the financing of real properties, including the  
20 properties at 643 Sunset Meadow Ln., Bakersfield, CA, and 4401 Vern  
21 St., Bakersfield, CA.

22 13. The defendants caused false and fraudulent loan  
23 applications and supporting documents to be submitted to Lenders  
24 including, but not limited to, SunTrust Mortgage, Inc. ("SunTrust"),  
25 Long Beach Mortgage Co. ("Long Beach Mortgage"), WMC Mortgage Corp.  
26 ("WMC Mortgage"), and Washington Mutual Bank ("Washington Mutual"),  
27 and caused such Lenders to fund loans on the basis of such false and  
28 fraudulent loan applications and documents. Washington Mutual was at

1 all relevant times a financial institution as defined at Title 18,  
2 United States Code, Section 20.

3 14. The defendants knew that the misstatements and omissions  
4 that the defendants and others caused to be submitted to the Lenders  
5 in connection with mortgage loan applications were materially false  
6 and fraudulent. The mortgage loans funded on the basis of such  
7 applications were knowingly obtained through such materially false  
8 and fraudulent statements and omissions. In many cases, the Lenders  
9 funded these mortgage loans through wire transfers in interstate  
10 commerce.

11 15. As part of the scheme, at times defendants ERIC RAY  
12 HERNANDEZ, MONICA MARIE HERNANDEZ, EVELYN BRIGGET SANCHEZ, and  
13 DARLING ARLETTE MONTALVO received Lender funds from the transactions  
14 and distributed such proceeds among themselves. For example, at  
15 times when borrowers refinanced and received funds at the transaction  
16 closing, part of such funds were subsequently transferred back to the  
17 defendants.

18 16. On loans that defendants caused to be funded for properties  
19 in Kern County, defendants caused the Kern County Recorder's Office  
20 to deposit and mail Grant Deeds and Deeds of Trust corresponding to  
21 each transaction, to be sent and delivered by the U.S. Postal Service  
22 according to the directions indicated thereon. These mailings were  
23 in furtherance of the scheme to defraud and, in part, served to  
24 notify and assure the Lenders that the conveyance of the properties  
25 and the recording of the transactions had occurred.

26 17. As part of the scheme, at times defendants ERIC RAY  
27 HERNANDEZ, MONICA MARIE HERNANDEZ, and EVELYN BRIGGET SANCHEZ made  
28 loan payments to Lenders on loans that they had caused a Lender to

1 issue to a purported borrower. The defendants thereby sought to  
2 conceal from the Lender that the purported borrower had insufficient  
3 income and assets to support the loan payments, that the loan was  
4 funded on the basis of false and fraudulent information, and that the  
5 loan was used for the benefit of defendants.

6 18. Many of the properties involved in the scheme subsequently  
7 went into foreclosure when the borrowers failed to make loan payments  
8 when due. As a result of the conduct of the defendants in  
9 furtherance of the conspiracy, the defendants defrauded Lenders of in  
10 excess of \$2.5 million.

11 All in violation of Title 18, United States Code, Section 1349.  
12  
13

14 COUNTS TWO THROUGH NINETEEN: [18 U.S.C. § 1341 - Mail Fraud]

15 The Grand Jury charges:

16 ERIC RAY HERNANDEZ,  
17 MONICA MARIE HERNANDEZ,  
18 aka Monica Marie Duarte,  
19 EVELYN BRIGGET SANCHEZ,  
20 PATRICIA ANN KING, and  
21 DARLING ARLETTE MONTALVO,

22 defendants herein, as follows:

23 19. Paragraphs 1-5 and 7-18 of Count One are incorporated by  
24 reference as though fully set forth herein.

25 20. Beginning at a time unknown, but not later than in and  
26 about October 2005, and continuing thereafter to in and about  
27 May 2007, within the State and Eastern District of California and  
28 elsewhere, defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ,  
EVELYN BRIGGET SANCHEZ, PATRICIA ANN KING, and DARLING ARLETTE  
MONTALVO, and others both known and unknown to the Grand Jury, did



1 knowingly devise and intended to devise a material scheme and  
 2 artifice to defraud mortgage loan companies and federally insured  
 3 lending/financial institutions (collectively referred to herein as  
 4 "Lenders") of money and property, and caused money and property to be  
 5 obtained from such Lenders, including but not limited to SunTrust,  
 6 Long Beach Mortgage, WMC Mortgage, and Washington Mutual, by means of  
 7 materially false and fraudulent pretenses, representations, and  
 8 promises.

9 21. On and about the dates listed below, within the State and  
 10 Eastern District of California, and elsewhere, for the purpose of  
 11 carrying out and aiding and abetting the scheme and artifice to  
 12 defraud, as more fully set forth above, the defendants caused the  
 13 mail matter described below to be placed in a post office or an  
 14 authorized depository for mail matter, to be sent and delivered by  
 15 the United States Postal Service, and to be deposited to be sent and  
 16 delivered by a private and commercial interstate carrier, and  
 17 knowingly caused to be delivered by mail or such carrier:

COUNT	APPROX. DATE OF MAILING	DESCRIPTION	DEFENDANT(S)
2	10/28/05	Deed of Trust, Doc. # 0205301065, securing WMC Mortgage's loan in the amount of \$316,000 for the purchase of the real property at 3803 Mount Celeste Court, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ

COUNT	APPROX. DATE OF MAILING	DESCRIPTION	DEFENDANT (S)
3	10/28/05	Deed of Trust, Doc. # 0205301066, securing WMC Mortgage's loan in the amount of \$79,000 for the purchase of the real property at 3803 Mount Celeste Court, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ
4	10/28/05	Federal Express package (tracking #790203922663) regarding 3803 Mount Celeste Court, Bakersfield, CA, sent from Stewart Title in Bakersfield, CA to OCWEN in Orlando, FL.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ
5	11/15/05	Deed of Trust, Doc. # 0205317293, securing Long Beach Mortgage's loan in the amount of \$296,000 for the purchase of the real property at 14441 Kathleen Ave., Bakersfield, CA, mailed by the Kern County Recorder's Office to Long Beach Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ PATRICIA KING
6	11/16/05	Federal Express package (tracking #791784381008) regarding 14441 Kathleen Ave., Bakersfield, CA, sent from Stewart Title in Bakersfield, CA to Washington Mutual in Milwaukee, WI.	ERIC HERNANDEZ MONICA HERNANDEZ PATRICIA KING
7	12/14/05	Deed of Trust, Doc. # 0205344753, securing WMC Mortgage's loan in the amount of \$232,000 for the refinance of the real property at 1501 Galina Ct., Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO

Superseding Indictment

COUNT	APPROX. DATE OF MAILING	DESCRIPTION	DEFENDANT(S)
8	12/14/05	Deed of Trust, Doc. # 0205344754, securing WMC Mortgage's loan in the amount of \$58,000 for the refinance of the real property at 1501 Galina Ct., Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
9	12/14/05	Federal Express package (tracking #792463930838) regarding 1501 Galina Ct., Bakersfield, CA, sent from Stewart Title in Bakersfield, CA to Washington Mutual in Milwaukee, WI.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
10	12/16/05	Deed of Trust, Doc. # 0205348505, securing Long Beach Mortgage's loan in the amount of \$314,400 for the purchase of the real property at 3715 Kathy Suzanne Way, Bakersfield, CA, mailed by the Kern County Recorder's Office to Long Beach Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ
11	12/20/05	Deed of Trust, Doc. # 0205350073, securing WMC Mortgage's loan in the amount of \$160,000 for the purchase of the real property at 4401 Vern Street, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
12	12/20/05	Deed of Trust, Doc. # 0205350074, securing WMC Mortgage's loan in the amount of \$40,000 for the purchase of the real property at 4401 Vern Street, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO

Superseding Indictment

COUNT	APPROX. DATE OF MAILING	DESCRIPTION	DEFENDANT(S)
13	12/21/05	Federal Express package (tracking #791315673420) regarding 4401 Vern Street, Bakersfield, CA, sent from First American Title in Bakersfield, CA to ABN AMRO Mortgage, in Chicago, IL.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
14	1/20/06	Deed of Trust, Doc. # 0206015746, securing Long Beach Mortgage's loan in the amount of \$284,000 for the purchase of 8111 Fighting Irish Dr., Bakersfield, CA, mailed by the Kern County Recorder's Office to Long Beach Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
15	1/23/06	Federal Express package (tracking #790296513253) regarding 8111 Fighting Irish Dr., Bakersfield, CA, sent from Stewart Title in Bakersfield, CA to World Savings in San Antonio, TX.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
16	6/9/06	Deed of Trust, Doc. # 0206142271, securing SunTrust's loan in the amount of \$452,000 for the purchase of the real property at 4303 Walker Lake Drive, Bakersfield, CA, mailed by the Kern County Recorder's Office to SunTrust.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ
17	6/9/06	Deed of Trust, Doc. # 0206142272, securing SunTrust's loan in the amount of \$113,000 for the purchase of the real property at 4303 Walker Lake Drive, Bakersfield, CA, mailed by the Kern County Recorder's Office to SunTrust.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ

Superseding Indictment

COUNT	APPROX. DATE OF MAILING	DESCRIPTION	DEFENDANT (S)
18	11/22/06	Deed of Trust, Doc. # 0206289272, securing WMC Mortgage's loan in the amount of \$327,600 for the refinance of the real property at 643 Sunset Meadow Lane, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO
19	11/22/06	Deed of Trust, Doc. # 0206289273, securing WMC Mortgage's loan in the amount of \$81,900 for the refinance of the real property at 643 Sunset Meadow Lane, Bakersfield, CA, mailed by the Kern County Recorder's Office to WMC Mortgage.	ERIC HERNANDEZ MONICA HERNANDEZ EVELYN SANCHEZ PATRICIA KING DARLING MONTALVO

All in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY THROUGH TWENTY-THREE: [18 U.S.C. §§ 1957 and 2 - Money Laundering & Aiding and Abetting]

The Grand Jury further charges:

ERIC RAY HERNANDEZ,  
MONICA MARIE HERNANDEZ,  
aka Monica Marie Duarte, and  
DARLING ARLETTE MONTALVO,

defendants herein, as follows:

22. Paragraphs 1-5 and 7-18 of Count One, and paragraph 20 of Counts Two through Nineteen, are incorporated by reference as though fully set forth herein.

23. Beginning in and about October 2005, and continuing to in and about May 2006, in the State and Eastern District of California,

1 defendants ERIC RAY HERNANDEZ, MONICA MARIE HERNANDEZ, and DARLING  
 2 ARLETTE MONTALVO did knowingly engage in, and attempt to engage in,  
 3 and aid and abet, monetary transactions by, through, and to financial  
 4 institutions, affecting interstate and foreign commerce, in  
 5 criminally-derived property that was of a value greater than \$10,000,  
 6 that is, the withdrawal and transfer of money as more fully set forth  
 7 below, such property having been derived from a specified unlawful  
 8 activity, that is, mail fraud in violation of Title 18, United States  
 9 Code, Section 1341:

COUNT	DATE	MONETARY TRANSACTION	DEFENDANT (S)
20	10/28/05	Issuance of a check in the amount of \$35,000 from account #xxx-334938-3 at Washington Mutual, payable to TM	Eric Ray Hernandez Monica Marie Hernandez
21	12/16/05	Issuance of a cashier's check in the amount of \$20,000 from account #xxx6620 at Kern Schools Federal Credit Union, payable to FB	Darling Montalvo
22	3/27/06	Issuance of a cashier's check in the amount of \$45,440 from account #xxx-491993-6 at Washington Mutual, payable to Darling Montalvo	Eric Ray Hernandez
23	5/16/06	Withdrawal in the amount of \$12,176 from account #xxx-491993-6 at Washington Mutual	Eric Ray Hernandez

24 All in violation of Title 18, United States Code,  
 25 Sections 1957(a) and 2.

26 ///

27 ///

28 ///

1 FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(1)(C), 982(a)(1)-(2),  
2 and 28 U.S.C. § 2461(c) - Criminal  
3 Forfeiture]

4 The Grand Jury further charges:

5 ERIC RAY HERNANDEZ,  
6 MONICA MARIE HERNANDEZ,  
7 aka Monica Marie Duarte,  
8 EVELYN BRIGGET SANCHEZ,  
9 PATRICIA ANN KING, and  
10 DARLING ARLETTE MONTALVO,

11 defendants herein, as follows:

12 The allegations set forth in paragraphs 1 through 23, inclusive  
13 of Counts One through Twenty-three, of this Indictment are  
14 incorporated by reference as though fully set forth herein for the  
15 purpose of alleging forfeiture pursuant to Title 18, United States  
16 Code, Sections 981(a)(1)(C) and 982(a)(1)-(2), and Title 28, United  
17 States Code, Section 2461(c).

18 Upon conviction for any of the offenses alleged in  
19 Counts One through Twenty-Three of this Indictment, the defendants  
20 shall forfeit to the United States, pursuant to Title 18, United  
21 States Code, Sections 981(a)(1)(C) and 982(a)(1)-(2), and Title 28,  
22 United States Code, Section 2461(c), any property, real or personal,  
23 involved in such offense, or any property traceable to such property,  
24 and any property constituting, or derived from, proceeds the  
25 defendant obtained directly or indirectly as a result of such  
26 violation, including but not limited to the following:

27 A sum of money equal to the total amount of money  
28 involved in the scheme, for which defendant is  
convicted, in an amount not less than  
\$2.5 million

If any property subject to forfeiture, as a result of  
the offenses alleged in Counts One through Twenty-Three of this

1 Indictment:

- 2 a. cannot be located upon the exercise of due diligence;  
3 b. has been transferred or sold to, or deposited with, a third  
4 party;  
5 c. has been placed beyond the jurisdiction of the court;  
6 d. has been substantially diminished in value; or  
7 e. has been commingled with other property which cannot be  
8 divided without difficulty,

9 it is the intent of the United States of America, pursuant to Title  
10 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1)-(2), and  
11 Title 28, United States Code, Section 2461(c), to seek forfeiture of  
12 any other property of the defendants, up to the value of the property  
13 subject to forfeiture.

14 All pursuant to Title 18, United States Code, Sections  
15 981(a)(1)(C) and 982(a)(1)-(2), and Title 28, United States Code,  
16 Section 2461(c).

17  
18 A TRUE BILL.

19  
20 **/s/ Signature on file w/AUSA**

21 FOREPERSON

22  
23  
24 BENJAMIN B. WAGNER  
United States Attorney

25 **Mark E. Cullers**

26 By:

27 MARK E. CULLERS  
Assistant U.S. Attorney  
Chief, Fresno Office