

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	No.
	)	
vs.	)	Violations: Title 18, United States Code,
	)	Sections 1343 and 2
YASEEN AHMED,	)	
ELIOT HIGUEROS,	)	
RAZZAK KHADER,	)	
THEODORE CARDENAS,	)	
JOHN WELCH,	)	
AMANDA FANARO, and	)	
KRISTIN DAUGHERTY	)	

**COUNT ONE**

The SPECIAL SEPTEMBER 2011 GRAND JURY charges:

1. At times material to this indictment:

a. Defendant YASEEN AHMED was a managing officer and co-owner of 4725 S. Michigan LLC, an Illinois limited liability company that owned a condominium building located at 4725 South Michigan Avenue, Chicago, Illinois. Defendant AHMED was also the president of High Point Developers, Inc., Urban Red Construction Corp. (a/k/a “Urban Red Developers”), and Vertex Investment Group, Inc., all Illinois corporations.

b. Defendant ELIOT HIGUEROS was the owner of E&H Distributors, Inc. (a/k/a “ENH Distributors, Inc.,” a/k/a “ENH Services, Inc.”), an Illinois corporation, and Zeal Holdings, LLC and Zeal Management, LLC (a/k/a “Zeal Management Corp.”), both Illinois limited liability companies.

c. Defendant RAZZAK KHADER was a licensed loan officer whose responsibilities included arranging for borrowers to obtain mortgage loans from lenders.

d. Defendant THEODORE CARDENAS was a licensed loan officer whose

responsibilities included arranging for borrowers to obtain mortgage loans from lenders.

e. Washington Mutual Bank, National City Mortgage, Lehman Brothers Bank, IndyMac Bank FSB, Countrywide Bank FSB, Citibank, and Fifth Third Bank were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation.

f. Washington Mutual Bank, National City Mortgage, Exclusive Bancorp, Inc., CitiMortgage, Inc., Fifth Third Mortgage Company, American Broker's Conduit, Lehman Brothers Bank, First Magnus Financial Corporation, Wachovia Mortgage Corporation, IndyMac Bank FSB, Countrywide Home Loans, Inc., Countrywide Bank FSB, Gateway Capital Mortgage Corporation, and First Franklin Financial Corporation were lenders in the business of issuing mortgage loans to borrowers across the United States, including in the Northern District of Illinois.

g. Lenders required applicants for mortgage loans to provide truthful information in loan applications and supporting documents, including information concerning applicants' employment, income, assets, liabilities, intention to occupy the property purchased, and ownership interests in properties, and the source of any down payment, which information was material to the decision to approve and fund mortgage loans.

h. Lenders sold the mortgage loans to other lenders and institutions ("successors"). Lenders disclosed that the mortgage loans could be sold and the likelihood that the mortgage loans would be sold. The information provided in loan applications and supporting documents, including information concerning borrower's employment, income, assets, liabilities, payment history, intention to occupy the property purchased, and the sale price, was material to the successors' decisions to purchase the mortgage loans.

2. Beginning in or around 2006, and continuing through at least 2008, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER,  
THEODORE CARDENAS,  
JOHN WELCH,  
AMANDA FANARO, and  
KRISTIN DAUGHERTY,

defendants herein, together with others known and unknown to the Grand Jury, devised, intended to devise, and participated in a scheme to defraud and to obtain money and property from lenders, including financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, and by material omissions, which scheme is further described below.

3. It was part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, JOHN WELCH, AMANDA FANARO, and KRISTIN DAUGHERTY, together with persons known and unknown to the grand jury, fraudulently obtained approximately 35 mortgage loans totaling at least approximately \$8,820,630 from lenders, including financial institutions, by making materially false representations and omissions in loan applications, supporting documents, and HUD-1 settlement statements concerning the buyers' employment, financial condition, assets, true source of down payments, and intention to occupy the property, and for the purpose of executing the scheme caused interstate wire transmissions.

4. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly recruited individuals, including defendants JOHN WELCH, AMANDA FANARO, and KRISTIN DAUGHERTY, as well Individual A through Individual G (collectively the "Nominee Buyers"), to serve as nominee buyers for condominium units located at 4725 South Michigan Avenue, 3318

West Monroe Street, 7919-7921 South Phillips Avenue, 1349 North Sedgwick Street, and 2012 West Thomas Street, all located in Chicago, Illinois (collectively the “Subject Properties”), some of which were co-owned by defendant YASEEN AHMED, and to serve as nominee borrowers on mortgage loans to be used to finance the purchase of those condominium units, knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

5. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS, and on occasion defendant RAZZAK KHADER, knowingly referred the Nominee Buyers to loan officers, including defendants RAZZAK KHADER and THEODORE CARDENAS, to arrange for the Nominee Buyers to fraudulently obtain mortgage loans from lenders to finance the purchases of the Subject Properties, knowing that false statements would be made to the lenders to obtain the mortgage loans.

6. It was further part of the scheme that defendant ELIOT HIGUEROS paid the Nominee Buyers to purchase the Subject Properties knowing that such payments would be concealed from the lenders who financed the transactions.

7. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, JOHN WELCH, AMANDA FANARO, and KRISTIN DAUGHERTY knowingly prepared and submitted, and caused to be prepared and submitted, to mortgage lenders, documents containing materially false and fraudulent representations so that the Nominee Buyers would falsely appear qualified for mortgage loans to purchase the Subject Properties, including

- (a) loan applications that contained materially false and fraudulent representations concerning, among other things, the Nominee Buyers’

income, assets, liabilities, employment, and intention to occupy the Subject Properties; and

- (b) HUD-1 settlement statements that, among other things, failed to disclose the true source of down payments and payments provided to the Nominee Buyers for purchasing the Subject Properties.

8. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly disbursed, and caused to be disbursed, proceeds of the fraud to themselves and to their companies at the closings of the Subject Properties.

9. It was further part of the scheme that defendant YASEEN AHMED paid defendant RAZZAK KHADER for fraudulently qualifying certain of the Nominee Buyers knowing that these payments would not be disclosed to the lenders who financed the transactions.

#### **Units Purchased by Defendant JOHN WELCH**

10. It was further part of the scheme that defendant ELIOT HIGUEROS recruited defendant JOHN WELCH to purchase four condominium units located at 4725 South Michigan Avenue, Chicago, Illinois – Units 3F, 3C, GD, and 2F – knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

11. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly arranged for loan officers, including defendant THEODORE CARDENAS, to fraudulently qualify defendant WELCH for approximately \$621,922 in mortgage loan proceeds to purchase Units 3F, 3C, GD, and 2F, knowing that false statements would be made to the lenders to obtain the mortgage loans.

12. It was further part of the scheme that defendants YASEEN AHMED, ELIOT

HIGUEROS, THEODORE CARDENAS, and JOHN WELCH knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in defendant WELCH's name to lenders, including Countrywide Home Loans, Inc., First Magnus Financial Corporation, First Franklin Financial Corporation, and IndyMacBank FSB, in order to fraudulently qualify defendant WELCH for mortgage loans to finance the purchase of Units 3F, 3C, GD, and 2F, which loan applications contained materially false and fraudulent information about defendant WELCH, including information that defendant WELCH:

- (a) held Chase bank accounts carrying balances of between \$12,000 and \$25,000; and
- (b) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, CARDENAS, and WELCH knew, the information concerning defendant WELCH's assets was false.

13. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, THEODORE CARDENAS, and JOHN WELCH knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to defendant WELCH for purchasing Units 3F, 3C, GD, and 2F.

14. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, THEODORE CARDENAS, and JOHN WELCH knowingly caused:

- (a) Countrywide Home Loans, Inc., on or about May 3, 2007, to fund a mortgage loan in the amount of approximately \$140,849 to finance defendant

WELCH's purchase of Unit 3F;

- (b) First Magnus Financial Corporation, on or about May 14, 2007, to fund a mortgage loan in the amount of approximately \$157,177 to finance defendant WELCH's purchase of Unit 3C;
- (c) First Franklin Financial Corporation, on or about June 5, 2007, to fund a mortgage loan in the amount of approximately \$157,966 to finance defendant WELCH's purchase of Unit GD; and
- (d) IndyMac Bank FSB, on or about June 5, 2007, to fund a mortgage loan in the amount of approximately \$165,929 to finance defendant WELCH's purchase of Unit 2F.

15. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 3F, approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$21,471 to 4725 S. Michigan LLC;
- (b) for Unit 3C, approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$17,636 to 4725 S. Michigan LLC;
- (c) for Unit GD, approximately \$22,000 to ENH Services Inc.; approximately \$22,000 to Zeal Management LLC; and approximately \$21,406 to 4725 S.

Michigan LLC; and

- (d) Unit 2F: approximately \$21,910 to ENH Services Inc.; approximately \$21,910 to Zeal Management LLC; and approximately \$10,809 to 4725 S. Michigan LLC.

16. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid defendant JOHN WELCH for each property defendant WELCH purchased without disclosing such payments to the lenders who financed the transactions.

**Units Purchased by Defendant AMANDA FANARO**

17. It was further part of the scheme that defendant ELIOT HIGUEROS recruited defendant AMANDA FANARO to purchase five condominium units located at 4725 South Michigan Avenue, Chicago, Illinois – Units 2D, GA, 4A, 3D, and 1D – and three condominium units located at 3318 W. Monroe Street, Chicago, Illinois – Units 3, 2, and G – knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

18. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly arranged for loan officers, including RAZZAK KHADER and THEODORE CARDENAS, to fraudulently qualify defendant FANARO for approximately \$1,629,746 in mortgage loans to purchase Units 2D, GA, 4A, 3D, 3, 1D, 2, and G, knowing that false statements would be made to the lenders to obtain the mortgage loans.

19. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and AMANDA FANARO knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in defendant FANARO's name to lenders, including Fifth Third Mortgage Company, American



Broker's Conduit, CitiMortgage, Inc., Lehman Brother's Bank, IndyMac Bank FSB, Washington Mutual Bank, Countrywide Home Loans, Inc., and Wachovia Mortgage Corporation, to finance the purchase of Units 2D, GA, 4A, 3D, 3, 1D, 2, and G, which loan applications contained materially false and fraudulent information about defendant FANARO, including, that defendant FANARO:

- (a) intended to use the properties as her primary residence;
- (b) was employed as an "account executive" or "area district manager" at E&H Distributors earning between \$4,800 and \$6,500 gross income per month;
- (c) held bank accounts carrying balances between \$15,000 and \$36,254; and
- (d) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, KHADER, CARDENAS, and FANARO knew, the information concerning defendant FANARO's employment, income, assets, and intent to occupy the units was false.

20. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and AMANDA FANARO knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to defendant FANARO for purchasing Units 2D, GA, 4A, 3D, 3, 1D, 2, and G.

21. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and AMANDA FANARO knowingly caused:

- (a) Fifth Third Mortgage Company, on or about June 12, 2007, to fund a mortgage loan in the amount of approximately \$208,012 to finance defendant

FANARO's purchase of Unit 2D;

- (b) American Broker's Conduit, on or about June 14, 2007, to fund a mortgage loan in the amount of approximately \$206,049 to finance defendant FANARO's purchase of Unit GA;
- (c) CitiMortgage Inc., on or about June 14, 2007, to fund a mortgage loan in the amount of approximately \$209,554 to finance defendant FANARO's purchase of Unit 4A;
- (d) Lehman Brother's Bank, on or about June 15, 2007, to fund a mortgage loan in the amount of approximately \$205,648 to finance defendant FANARO's purchase of Unit 3D;
- (e) IndyMac Bank FSB, on or about June 29, 2007, to fund a mortgage loan in the amount of approximately \$226,613 to finance defendant FANARO's purchase of Unit 3;
- (f) Washington Mutual Bank, on or about July 13, 2007, to fund a mortgage loan in the amount of approximately \$196,628 to finance defendant FANARO's purchase of Unit 1D;
- (g) Countrywide Home Loans, Inc., on or about July 26, 2007, to fund a mortgage loan in the amount of approximately \$205,407 to finance defendant FANARO's purchase of Unit 2; and
- (h) Wachovia Mortgage Corporation, on or about July 27, 2007, to fund a mortgage loan in the amount of approximately \$171,831 to finance defendant FANARO's purchase of Unit G.

22. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 2D, approximately \$105,381 to 4725 S. Michigan LLC;
- (b) for Unit GA, approximately \$104,695 to 4725 S. Michigan LLC;
- (c) for Unit 4A, approximately \$104,977 to 4725 S. Michigan LLC;
- (d) for Unit 3D, approximately \$103,542 to 4725 S. Michigan LLC;
- (e) for Unit 3, approximately \$68,000 to High Point Developers;
- (f) for Unit 2, approximately \$68,500 to High Point Developers;
- (g) for Unit G, approximately \$69,500 to High Point Developers; and
- (h) for Unit 1D, approximately \$2,800 to Zeal Management and approximately \$88,458 to 4725 S. Michigan LLC.

23. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid defendant AMANDA FANARO for each property defendant FANARO purchased without disclosing such payments to the lenders who financed the transactions.

**Units Purchased by Defendant KRISTIN DAUGHERTY**

24. It was further part of the scheme that defendant ELIOT HIGUEROS recruited defendant KRISTIN DAUGHERTY to purchase eight condominium units located at 4725 South Michigan Avenue, Chicago, Illinois – Units 4B, 4F, 2B, 1F, 1B, 1C, 3B, and 2C – knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

25. It was further part of the scheme that defendants YASEEN AHMED and ELIOT

HIGUEROS knowingly arranged for loan officers, including RAZZAK KHADER and THEODORE CARDENAS, to fraudulently qualify defendant DAUGHERTY for approximately \$1,369,218 in mortgage loans to purchase Units 4B, 4F, 2B, 1F, 1B, 1C, 3B, and 2C, knowing that false statements would be made to the lenders to obtain the mortgage loans.

26. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and KRISTIN DAUGHERTY knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in defendant DAUGHERTY's name to lenders, including IndyMac Bank FSB, First Magnus Financial Corporation, CitiMortgage, Inc., Fifth Third Mortgage Company, Countrywide Home Loans, Inc., American Brother's Conduit, Lehman Brothers Bank, and Washington Mutual Bank, to finance the purchase of Units 4B, 4F, 2B, 1F, 1B, 1C, 3B, and 2C, which loan applications contained materially false and fraudulent information about defendant DAUGHERTY, including that defendant DAUGHERTY:

- (a) intended to use the properties as her primary residence;
- (b) was employed as an "account executive" at E&H Distributors earning between \$5,000 and \$6,000 in gross income per month;
- (c) held bank accounts carrying balances between \$6,100 and \$17,100; and
- (d) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, KHADER, CARDENAS, and DAUGHERTY knew, the information concerning defendant DAUGHERTY's employment, income, assets, and intent to occupy the units was false.

27. It was further part of the scheme that defendants YASEEN AHMED, ELIOT

HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and KRISTIN DAUGHERTY knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to defendant DAUGHERTY for purchasing Units 4B, 4F, 2B, 1F, 1B, 1C, 3B, and 2C.

28. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, and KRISTIN DAUGHERTY knowingly caused:

- (a) IndyMac Bank FSB, on or about April 30, 2007, to fund a mortgage loan in the amount of approximately \$177,647 to finance defendant DAUGHERTY'S purchase of Unit 4B;
- (b) First Magnus Financial Corporation, on or about April 30, 2007, to fund a mortgage loan in the amount of approximately \$175,052 to finance defendant DAUGHERTY'S purchase of Unit 4F;
- (c) CitiMortgage Inc., on or about May 3, 2007, to fund a mortgage loan in the amount of approximately \$171,096 to finance defendant DAUGHERTY'S purchase of Unit 2B;
- (d) Fifth Third Mortgage Company, on or about May 7, 2007, to fund a mortgage loan in the amount of approximately \$170,203 to finance defendant DAUGHERTY'S purchase of Unit 1F;
- (e) Countrywide Home Loans, Inc., on or about May 11, 2007, to fund a mortgage loan in the amount of approximately \$170,104 to finance defendant

DAUGHERTY'S purchase of Unit 1B;

- (f) American Broker's Conduit, on or about May 14, 2007, to fund a mortgage loan in the amount of approximately \$170,862 to finance defendant DAUGHERTY'S purchase of Unit 1C;
- (g) Lehman Brothers Bank, on or about May 14, 2007, to fund a mortgage loan in the amount of approximately \$175,276 to finance defendant DAUGHERTY'S purchase of Unit 3B; and
- (h) Washington Mutual Bank, on or about June 5, 2007, to fund a mortgage loan in the amount of approximately \$158,975 to finance defendant DAUGHERTY'S purchase of Unit 2C.

29. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 4B, approximately \$22,584 to ENH Services Inc.; approximately \$22,584 to Zeal Management LLC; and approximately \$23,211 to 4725 S. Michigan LLC;
- (b) for Unit 4F, approximately \$22,717 to ENH Services Inc.; approximately \$22,717 to Zeal Management LLC; and approximately \$159 to 4725 S. Michigan LLC;
- (c) for Unit 2B, approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$21,471 to 4725 S.

Michigan LLC;

- (d) for Unit 1F, approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$22,471 to 4725 S. Michigan LLC;
- (e) for Unit 1B, approximately \$22,375 to ENH Services Inc.; approximately \$23,275 to Zeal Management LLC; and approximately \$21,426 to 4725 S. Michigan LLC;
- (f) for Unit 1C, approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$21,164 to 4725 S. Michigan LLC;
- (g) for Unit 3B: approximately \$22,098 to ENH Services Inc.; approximately \$22,098 to Zeal Management LLC; and approximately \$15,723 to 4725 S. Michigan LLC; and
- (h) for Unit 2C: approximately \$22,375 to ENH Services Inc.; approximately \$22,375 to Zeal Management LLC; and approximately \$21,410 to 4725 S. Michigan LLC.

30. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid defendant KRISTIN DAUGHERTY for each property defendant DAUGHERTY purchased without disclosing such payments to the lenders who financed the transactions.

#### **Units Purchased By Individual A**

31. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual A to purchase four condominium units located at 4725 South Michigan Avenue, Chicago,

Illinois – Units 1A, GC, 2E, and 1E – knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

32. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly arranged for loan officers to fraudulently qualify Individual A for approximately \$643,042 in mortgage loans to purchase Units 1A, GC, 2E, and 1E, knowing that false statements would be made to the lenders to obtain the mortgage loans.

33. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in Individual A's name to lenders, including Exclusive Bancorp Inc., American Broker's Conduit, National City Mortgage, and Washington Mutual Bank, to finance the purchase of Units 1A, GC, 2E, and 1E, which loan applications contained materially false and fraudulent information about Individual A, including that Individual A:

- (a) intended to use the properties as his/her primary residence;
- (b) earned between \$5,200 and \$5,800 gross income per month;
- (c) held a Chase bank account carrying balances between \$10,300 and \$17,000;  
and
- (d) had no ownership interest in any property.

As defendants AHMED and HIGUEROS knew, the information concerning Individual A's income, assets, and intent to occupy the units was false.

34. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments



and payments made to Individual A for purchasing Units 1A, GC, 2E, and 1E.

35. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused:

- (a) Exclusive Bancorp Inc., on or about April 20, 2007, to fund a mortgage loan in the amount of approximately \$204,250 to finance Individual A's purchase of Unit 1A;
- (b) American Broker's Conduit, on or about April 30, 2007, to fund a mortgage loan in the amount of approximately \$206,669 to finance Individual A's purchase of Unit GC;
- (c) National City Mortgage, on or about May 11, 2007, to fund a mortgage loan in the amount of approximately \$119,119 to finance Individual A's purchase of Unit 2E; and
- (d) Washington Mutual Bank, on or about July 20, 2007, to fund a mortgage loan in the amount of approximately \$113,003 to finance Individual A's purchase of Unit 1E.

36. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 1A, approximately \$33,672 to ENH Services Inc.; approximately \$17,200 to Zeal Management Group; and approximately \$20,000 to Urban

Red Construction;

- (b) for Unit GC, approximately \$27,275 to ENH Services Inc.; approximately \$27,275 to Zeal Management LLC; and approximately \$31,985 to 4725 S. Michigan LLC;
- (c) for Unit 2E: approximately \$20,215 to ENH Services Inc.; approximately \$20,215 to Zeal Management LLC; and approximately \$147 to 4725 S. Michigan LLC; and
- (d) for Unit 1E, approximately \$73,353 to 4725 S. Michigan LLC.

37. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid Individual A for each property Individual A purchased without disclosing such payments to the lenders who financed the transactions.

#### **Units Purchased By Individual B**

38. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual B to purchase two condominium units located at 4725 South Michigan Avenue, Chicago, Illinois – Units GB and 3E– knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

39. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly arranged for loan officers to fraudulently qualify Individual B for approximately \$291,050 in mortgage loans to purchase Units GB and 3E, knowing that false statements would be made to the lenders to obtain the mortgage loans.

40. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly prepared and submitted, and caused to be

prepared and submitted, loan applications in Individual B's name to lenders, including Countrywide Bank FSB and CitiMortgage, Inc., to finance the purchase of Units GB and 3E, which loan applications contained materially false and fraudulent information about Individual B, including that Individual B:

- (a) intended to use the properties as his/her primary residence;
- (b) was employed at E&H Distributors as an "officer manager" earning between \$4,650 and \$4,750 gross income per month;
- (c) held a U.S. Bank bank account carrying a balance of \$23,546; and
- (d) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, and KHADER knew, the information concerning Individual B's employment, income, assets, and intent to occupy the units was false.

41. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to Individual B for purchasing Units GB and 3E.

42. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly caused:

- (a) Countrywide Bank FSB, on or about October 2, 2007, to fund a mortgage loan in the amount of approximately \$169,794 to finance Individual B's purchase of Unit GB; and

- (b) CitiMortgage Inc., on or about October 2, 2007, to fund a mortgage loan in the amount of approximately \$121,255 to finance Individual B's purchase of Unit 3E.

43. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit GB, approximately \$66,421 to 4725 S. Michigan LLC; and
- (b) for Unit 3E, approximately \$43,016 to 4725 S. Michigan LLC.

44. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid Individual B for each property Individual B purchased without disclosing such payments to the lenders who financed the transactions.

#### **Units Purchased By Individual C**

45. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual C to purchase two condominium units located at 4725 South Michigan Avenue, Chicago, Illinois – Units 2A and 4E– knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

46. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly arranged for loan officers, including defendants RAZZAK KHADER and THEODORE CARDENAS, to fraudulently qualify Individual C for approximately \$329,185 in mortgage loan proceeds to purchase Units 2A and 4E, knowing that false statements would be made to the lenders to obtain the mortgage loans.

47. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, and THEODORE CARDENAS knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in Individual C's name to lenders, including First Magnus Financial Corporation and CitiMortgage, Inc., to finance the purchase of Units 2A and 4E, which loan applications contained materially false and fraudulent information about Individual C, including that Individual C:

- (a) intended to use the properties as his/her primary residence;
- (b) held bank accounts carrying a balance of between \$15,000 and \$30,000; and
- (c) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, KHADER, and CARDENAS knew, the information concerning Individual C's assets and intent to occupy the units was false.

48. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, and THEODORE CARDENAS knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to Individual C for purchasing Units 2A and 4E.

49. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, and THEODORE CARDENAS knowingly caused:

- (a) First Magnus Financial Corp., on or about August 3, 2007, to fund a mortgage loan in the amount of approximately \$209,115 to finance Individual C's purchase of Unit 2A; and

- (b) CitiMortgage Inc., on or about October 10, 2007, to fund a mortgage loan in the amount of approximately \$120,070 to finance Individual C's purchase of Unit 4E.

50. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 2A, approximately \$15,250 to defendant AHMED and approximately \$83,127 to 4725 S. Michigan LLC; and
- (b) for Unit 3E, approximately \$72,968 to 4725 S. Michigan LLC.

51. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid Individual C for each property Individual C purchased without disclosing such payments to the lenders who financed the transactions.

#### **Units Purchased By Individual D**

52. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual D to purchase two condominium units located at 7919 South Phillips Avenue, Chicago, Illinois – Units 3E and 2– knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

53. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly arranged for loan officers to fraudulently qualify Individual D for approximately \$462,247 in mortgage loans to purchase Units 3E and 2, knowing that false statements would be made to the lenders to obtain the mortgage loans.

54. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER, knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in Individual D's name to lenders, including CitiMortgage, Inc. and Fifth Third Mortgage Company, to finance the purchase of Units 3E and 2, which loan applications contained materially false and fraudulent information about Individual D, including that Individual D:

- (a) intended to use the properties as his/her primary residence;
- (b) was employed at E&H Distributors as an "operations manager" earning between \$4,500 and \$4,950 gross income per month;
- (c) held a LaSalle Bank bank account carrying a balance of between \$35,000 and \$42,000; and
- (d) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, and KHADER knew, the information concerning Individual D's employment, income, assets, and intent to occupy the units was false.

55. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS and RAZZAK KHADER knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to Individual D for purchasing Units 3E and 2.

56. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly caused:

- (a) CitiMortgage Inc., on or about November 9, 2007, to fund a mortgage loan

in the amount of approximately \$231,895 to finance Individual D's purchase of Unit 3E; and

- (b) Fifth Third Mortgage Company, on or about November 15, 2007, to fund a mortgage loan in the amount of approximately \$230,351 to finance Individual D's purchase of Unit 2.

57. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused title companies to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 3E, approximately \$90,850 to High Point Developers; and
- (b) for Unit 2, approximately \$92,555 to High Point Developers.

58. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid Individual D for each property Individual D purchased without disclosing such payments to the lenders who financed the transactions.

#### **Units Purchased By Individual E**

59. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual E to purchase three condominium units located at 7919-7921 South Phillips Avenue, Chicago, Illinois – Units 2 and 3 at 7921 South Phillips Avenue and Unit 1 at 7919 South Phillips Avenue – knowing that the transactions would be financed by making false statements to lenders to obtain mortgage loans.

60. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly arranged for loan officers to fraudulently qualify



Individual E for approximately \$711,422 in mortgage loans to purchase the three condominiums, knowing that false statements would be made to the lenders to obtain the mortgage loans.

61. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly prepared and submitted, and caused to be prepared and submitted, loan applications in Individual E's name to lenders, including CitiMortgage, Inc. and Lehman Brothers Bank, to finance the purchase of Units 2 and 3 at 7921 South Phillips Avenue and Unit 1 at 7919 South Phillips Avenue, which loan applications contained materially false and fraudulent information about Individual E, including that Individual E:

- (a) intended to use the properties as his/her primary residence;
- (b) was employed at Zeal Management as a "general manager," an "office manager," and an "operations manager" earning between \$6,420 and \$6,950 gross income per month;
- (c) held bank accounts carrying balances of between \$31,152 and \$32,000; and
- (d) had no ownership interest in any property.

As defendants AHMED, HIGUEROS, and KHADER knew, the information concerning Individual E's employment, income, assets, and intent to occupy the units was false.

62. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly prepared and submitted, and caused to be prepared and submitted, HUD-1 Settlement Statements that, among other things, failed to disclose the true source of down payments and payments made to Individual E for purchasing Units 2 and 3 at 7921 South Phillips Avenue and Unit 1 at 7919 South Phillips Avenue.

63. It was further part of the scheme that through submission of fraudulent loan

applications and supporting documents, defendants YASEEN AHMED, ELIOT HIGUEROS, and RAZZAK KHADER knowingly caused:

- (a) CitiMortgage Inc., on or about December 13, 2007, to fund a mortgage loan in the amount of approximately \$241,605 to finance Individual E's purchase of Unit 2 at 7921 South Phillips Avenue;
- (b) Lehman Brothers Bank, on or about November 26, 2007, to fund a mortgage loan in the amount of approximately \$242,800 to finance Individual E's purchase of Unit 3 at 7921 South Phillips Avenue; and
- (c) CitiMortgage Inc., on or about March 11, 2008, to fund a mortgage loan in the amount of approximately \$227,016 to finance Individual E's purchase of Unit 1 at 7919 South Phillips Avenue.

64. It was further part of the scheme that through submission of fraudulent loan applications and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursements of fraudulently obtained mortgage loan proceeds:

- (a) for Unit 3 at 7921 South Phillips Avenue, approximately \$90,975 to High Point Developers;
- (b) for Unit 2 at 7921 South Phillips Avenue, approximately \$90,975 to High Point Developers; and
- (c) for Unit 1 at 7919 South Phillips Avenue, approximately \$98,858 to High Point Developers.

65. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly paid

Individual E for each property Individual E purchased without disclosing such payments to the lenders who financed the transactions.

**Property Purchased By Individual F**

66. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual F to purchase a property located at 2012 West Thomas Street, Chicago, Illinois, knowing that the transaction would be financed by making false statements to the lender to obtain a mortgage loan.

67. It was further part of the scheme that defendant ELIOT HIGUEROS knowingly arranged for a loan officer to fraudulently qualify Individual F for approximately \$1,751,987 in mortgage loan proceeds to purchase 2012 West Thomas Street, Chicago, Illinois, knowing that false statements would be made to the lenders to obtain the mortgage loan.

68. It was further part of the scheme that, on or about January 9, 2008, defendant ELIOT HIGUEROS knowingly caused to be prepared and submitted a loan application in the name of Individual F to Washington Mutual Bank, in order to fraudulently obtain a mortgage loan in the amount of \$1,751,987 to finance Individual F's purchase of 2012 West Thomas Street, Chicago, Illinois, which loan application contained materially false and fraudulent information about Individual F, including that Individual F:

- (a) intended to use the property as his/her primary residence;
- (b) was employed as the "senior financial operations manager" at E&H Distributors earning \$20,500 gross income per month; and
- (c) held Citibank bank accounts carrying a combined balance of approximately \$1,050,000.

As defendant ELIOT HIGUEROS knew, the information concerning Individual F's employment, income, assets, and intent to occupy the residence was false.

69. It was further part of the scheme that defendants ELIOT HIGUEROS knowingly caused to be prepared and submitted, a HUD-1 Settlement Statement that, among other things, failed to disclose the true source of the down payment and the payment made to Individual F for purchasing 2012 West Thomas Street, Chicago, Illinois.

70. It was further part of the scheme that, on or about January 9, 2008, as a result of the submission of the fraudulent loan application and supporting documents, defendant ELIOT HIGUEROS knowingly caused Washington Mutual Bank to fund a mortgage loan in the amount of approximately \$1,751,987 to finance Individual F's purchase of 2012 West Thomas Street, Chicago, Illinois.

#### **Property Purchased By Individual G**

71. It was further part of the scheme that defendant ELIOT HIGUEROS recruited Individual G to purchase a property located at 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois, knowing that the transaction would be financed by making false statements to the lender to obtain a mortgage loan.

72. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly arranged for a loan officer to fraudulently qualify Individual G for approximately \$1,010,811 in mortgage loan proceeds to purchase 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois, knowing that false statements would be made to the lenders to obtain the mortgage loan.

73. It was further part of the scheme that, on or about June 24, 2008, defendants

YASEEN AHMED and ELIOT HIGUEROS knowingly caused to be prepared and submitted a loan application in the name of Individual G to Gateway Capital Mortgage Corporation, in order to fraudulently obtain a mortgage loan in the amount of \$1,010,811 to finance Individual G's purchase of 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois, which loan application contained materially false and fraudulent information about Individual G, including that Individual G:

- (a) intended to use the property as his/her primary residence;
- (b) was employed as the "chief operating officer" at E&H Distributors earning \$20,000 gross income per month; and
- (c) held Citibank bank accounts carrying a combined balance of approximately \$794,500.

As defendants YASEEN AHMED and ELIOT HIGUEROS knew, the information concerning Individual G's employment, income, assets, and intent to occupy the residence was false.

74. It was further part of the scheme that defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused to be prepared and submitted, a HUD-1 Settlement Statement that, among other things, failed to disclose the true source of the down payment and the payment made to Individual G for purchasing 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois.

75. It was further part of the scheme that, on or about June 24, 2008, as a result of the submission of the fraudulent loan application and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused Gateway Capital Mortgage Corporation to fund a mortgage loan in the amount of approximately \$1,010,811 to finance Individual G's purchase of 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois.

76. It was further part of the scheme that, on or about June 24, 2008, as a result of the

submission of the fraudulent loan application and supporting documents, defendants YASEEN AHMED and ELIOT HIGUEROS knowingly caused the title company to make the following disbursement from the fraudulently obtained mortgage proceeds for 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois: approximately \$336,697 to Vertex Investment Group.

77. It was further part of the scheme that defendants YASEEN AHMED, ELIOT HIGUEROS, RAZZAK KHADER, THEODORE CARDENAS, JOHN WELCH, AMANDA FANARO, and KRISTIN DAUGHERTY misrepresented, concealed, and hid, and caused to be misrepresented, concealed, and hidden, the true purpose of the acts done in furtherance of the scheme.

78. On or about May 14, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER and  
KRISTIN DAUGHERTY,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$170,862 from an American Broker's Conduit account at Deutsche Bank Trust CO Americas to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from American Broker's Conduit, to finance the purchase of 4725 South Michigan Avenue, Unit 1C, Chicago, Illinois;

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

## **COUNT TWO**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.
2. On or about May 14, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER, and  
KRISTIN DAUGHERTY,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$175,276 from a Lehman Brothers Bank account at Lehman Brothers Bank FSB to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from Lehman Brothers Bank, to finance the purchase of 4725 South Michigan Avenue, Unit 3B, Chicago, Illinois;

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

### **COUNT THREE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about May 14, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
THEODORE CARDENAS, and  
JOHN WELCH,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$157,177 from a First Magnus Financial Corporation account at Washington Mutual Bank FA to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from First Magnus Financial Corporation, to finance the purchase of 4725 South Michigan Avenue, Unit 3C, Chicago, Illinois;

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



## **COUNT FOUR**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.
2. On or about June 5, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
THEODORE CARDENAS, and  
JOHN WELCH,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$157,966 from a First Franklin Financial Corporation account at PNC Bank of Ohio to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from First Franklin Financial Corporation, to finance the purchase of 4725 South Michigan Avenue, Unit GD, Chicago, Illinois;

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

## **COUNT FIVE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about June 5, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
THEODORE CARDENAS, and  
JOHN WELCH,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$165,929 from an IndyMac Bank FSB account at IndyMac Bank FSB to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from IndyMac Bank FSB, to finance the purchase of 4725 South Michigan Avenue, Unit 2F, Chicago, Illinois;

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

## **COUNT SIX**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.
2. On or about June 5, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
THEODORE CARDENAS, and  
KRISTIN DAUGHERTY,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$158,937 from a Washington Mutual Bank account at Washington Mutual Bank FA to a Traditional Title Company account at LaSalle National Bank, which funds represented proceeds of a mortgage loan from Washington Mutual Bank, to finance the purchase of 4725 South Michigan Avenue, Unit 2C, Chicago, Illinois;

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

## **COUNT SEVEN**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about June 14, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER, and  
AMANDA FANARO,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$206,049 from an American Broker's Conduit account at Bank of New York City to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from American Broker's Conduit, to finance the purchase of 4725 South Michigan Avenue, Unit GA, Chicago, Illinois;

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

## **COUNT EIGHT**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about June 14, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER, and  
AMANDA FANARO,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$209,554 from a CitiMortgage Inc. account at Citibank NA to a Traditional Title Company account at LaSalle Bank, which funds represented the proceeds of a mortgage loan from CitiMortgage Inc., to finance the purchase of 4725 South Michigan Avenue, Unit 4A, Chicago, Illinois;

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

## **COUNT NINE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about July 27, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

YASEEN AHMED,  
ELIOT HIGUEROS,  
THEODORE CARDENAS, and  
AMANDA FANARO,

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$171,831 from a Wachovia Mortgage Corporation account at Wachovia Bank NA to a Professional National Title Network account at Fifth Third Bank, which funds represented the proceeds of a mortgage loan from Wachovia Mortgage Corporation, to finance the purchase of 3318 West Monroe Street, Unit G, Chicago, Illinois;

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

## **COUNT TEN**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.

2. On or about January 9, 2008, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

**ELIOT HIGUEROS,**

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$1,751,987 from a Washington Mutual Bank account at Washington Mutual Bank, to a Traditional Title Company account at LaSalle National Bank, which funds represented the proceeds of a mortgage loan from Washington Mutual Bank, to finance the purchase of 2012 West Thomas Street, Chicago, Illinois;

In violation of Title 18, United States Code, Section 1343.

### **COUNT ELEVEN**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 77 of Count One of this indictment are incorporated here.
2. On or about June 25, 2008, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

**YASEEN AHMED and  
ELIOT HIGUEROS,**

defendants herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, an interstate wire transfer through the Federal Reserve system of approximately \$1,010,811 from a Gateway Capital Mortgage Corporation account at Flagstar Bank FSB to a Primary Title Services account at Amcore Bank, which funds represented the proceeds of a mortgage loan from Gateway Capital Mortgage Corporation, to finance the purchase of 1349 North Sedgwick Street, Unit 4N, Chicago, Illinois;

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



## **FORFEITURE ALLEGATION**

The SPECIAL SEPTEMBER 2011 GRAND JURY further alleges:

1. The allegations in Counts One through Eleven of this indictment are realleged here for the purpose of alleging forfeiture to the United States pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

2. As a result of the violations as alleged in Counts One through Eleven of the foregoing indictment,

YASEEN AHMED,  
ELIOT HIGUEROS,  
RAZZAK KHADER,  
THEODORE CARDENAS,  
JOHN WELCH,  
AMANDA FANARO, and  
KRISTIN DAUGHERTY,

defendants herein, shall forfeit to the United States any and all right, title, and interest they may have in any property, real and personal, which constitutes and is derived from proceeds traceable to the offenses charged in Counts One through Eleven.

3. The interests of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) as incorporated by Title 28, United States Code, Section 2461(c), include but are not limited to approximately \$8,820,630.

4. If any of the forfeitable property described above, as a result of any act or omission by defendants:

- (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 shall be entitled to forfeiture of substitute property pursuant to the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c);

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

A TRUE BILL:

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FOREPERSON

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UNITED STATES ATTORNEY