

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>10-</u>
v.	:	DATE FILED: <u>June 3, 2010</u>
JOSEPH TOOKES	:	VIOLATIONS:
OTHNIEL TOOKES	:	18 U.S.C. § 1349 (conspiracy to commit
TANJANIA POWELL-AVERY	:	mail and wire fraud - 1 count)
	:	18 U.S.C. § 1341 (mail fraud - 2 counts)
	:	18 U.S.C. § 1343 (wire fraud - 6 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

(Conspiracy to Commit Mail and Wire Fraud)

THE GRAND JURY CHARGES THAT:

BACKGROUND

At all times material to this indictment:

1. Defendant JOSEPH TOOKES operated TNT Estates, LLC, a Pennsylvania corporation, that purportedly offered construction and repair services for residential real estate in and around Philadelphia, Pennsylvania.
2. Defendants JOSEPH TOOKES and OTHNIEL TOOKES worked together and with others to broker sales of residential real estate in and around Philadelphia, Pennsylvania.
3. Defendant TANJANIA POWELL-AVERY worked as a licensed real estate agent in and around Philadelphia, Pennsylvania.
4. The victim of the fraudulent scheme (hereinafter, the “Victim Company”) was a mortgage company based in Mount Laurel, New Jersey.

THE CONSPIRACY

5. From at least in or about mid-2006 through and including in or about early 2008, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOSEPH TOOKES,
OTHNIEL TOOKES, and
TANJANIA POWELL-AVERY**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly devise a scheme to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and to use interstate wires, commercial interstate carriers, and the United States Mails to further the scheme to defraud, in violation of Title 18, United States Code, Sections 1341 and 1343.

MANNER AND MEANS

It was a part of the conspiracy that:

6. The defendants and others recruited individuals to purchase residential real estate in and around Philadelphia, Pennsylvania. The defendants and others steered the purchasers to obtain mortgages for these real estate purchases from the Victim Company.

7. The defendants and others inflated the amount of the mortgage requested from the Victim Company. For example, the individuals would request a loan to cover not only the sale price of the house, but also substantial fees for repairs to be made to the property by TNT Estates, LLC—repairs that were not, in fact, made.

8. In addition, the defendants and others provided fake bank account statements, investment account statements, and proof of employment at TNT Estates, LLC, to the Victim Company in support of the purchasers' applications for mortgages. Using these fake documents, the

purchasers obtained mortgages to which they were not entitled. When the borrowers were unable or unwilling to repay the loan, the Victim Company was forced to foreclose on properties.

9. The defendants and others executed their fraudulent scheme to obtain money from the Victim Company in the following six real estate purchases, among others:

DATE	PROPERTY	CLOSING PRICE
August 18, 2006	1664 South 54th Street Philadelphia, PA 19143	\$79,000
April 27, 2007	2732 Earp Street Philadelphia, PA 19145	\$95,000
May 23, 2007	1938 South Redfield Street Philadelphia, PA 19143	\$73,000
August 3, 2007	152 Woodland Avenue Lansdowne, PA 19050	\$135,000
November 26, 2007	5548 Whitby Avenue Philadelphia, PA 19143	\$112,000
January 20, 2008	59 Price Avenue Lansdowne, PA 19050	\$255,000

OVERT ACTS

In furtherance of this conspiracy, in the Eastern District of Pennsylvania and elsewhere, the defendants and others known and unknown to the grand jury committed the following overt acts:

1. On or about August 7, 2006, defendant JOSEPH TOOKES and others known to the grand jury caused a residential loan application regarding the sale of 1664 South 54th Street, Philadelphia, Pennsylvania, to be mailed from the Victim Company in Mount Laurel, New Jersey, to a location in Philadelphia, Pennsylvania.

2. On or about August 28, 2006, defendant JOSEPH TOOKES and others known to the grand jury caused a settlement statement regarding the sale of 1664 South 54th Street, Philadelphia, Pennsylvania, to be sent via facsimile from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

3. On or about March 23, 2007, defendant JOSEPH TOOKES and others known to the grand jury caused an agreement of sale regarding 2732 Earp Street, Philadelphia, Pennsylvania, to be sent via facsimile from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

4. On or about May 2, 2007, defendant JOSEPH TOOKES and others known to the grand jury caused an agreement of sale regarding 1938 South Redfield Street, Philadelphia, Pennsylvania, to be sent via facsimile from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

5. On or about July 16, 2007, defendants JOSEPH TOOKES and OTHNIEL TOOKES, and others known to the grand jury, caused an agreement of sale regarding 152 Woodland Avenue, Lansdowne, Pennsylvania, to be sent via facsimile from a location in Media, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

6. On or about July 16, 2007, defendants JOSEPH TOOKES and OTHNIEL TOOKES, and others known to the grand jury, caused a residential loan application regarding the sale of 152 Woodland Avenue, Lansdowne, Pennsylvania, to be mailed from the Victim Company in Mount Laurel, New Jersey, to a location in Philadelphia, Pennsylvania.

7. On or about November 7, 2007, defendant JOSEPH TOOKES and others known to the grand jury caused an agreement of sale regarding 5548 Whitby Avenue, Philadelphia,

Pennsylvania, to be sent via facsimile from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

8. On or about December 20, 2007, defendants JOSEPH TOOKES and TANJANIA POWELL-AVERY, and others known to the grand jury, caused bank statements and other information regarding the sale of 59 Price Avenue, Lansdowne, Pennsylvania, to be sent via facsimile from a location in Wynnewood, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

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

COUNTS TWO AND THREE

(Mail Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs One through Four and Six through Nine of Count One of this indictment are realleged here.

2. From at least in or about mid-2006, through and including in or about early 2008, defendants

**JOSEPH TOOKES
&
OTHNIEL TOOKES**

devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

3. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, the following defendants, for the purpose of executing the scheme described in Count One, and aiding and abetting its execution, deposited and knowingly caused to be deposited the items enumerated below to be sent and delivered by a private and commercial interstate carrier according to the directions thereon, each mailing constituting a separate count:

COUNT	DEFENDANTS	DATE	DESCRIPTION
2	JOSEPH TOOKES	August 7, 2006	A residential loan application regarding the sale of 1664 South 54th Street, Philadelphia, Pennsylvania, from the Victim Company in Mount Laurel, New Jersey, to a location in Philadelphia, Pennsylvania.

3	JOSEPH TOOKES OTHNIEL TOOKES	July 16, 2007	A residential loan application regarding the sale of 152 Woodland Avenue, Lansdowne, Pennsylvania, from the Victim Company in Mount Laurel, New Jersey, to a location in Philadelphia, Pennsylvania.
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All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS FOUR THROUGH NINE

(Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs One through Four and Six through Nine of Count One of this indictment are realleged here.

2. From on or about mid-2006, through and including in or about early 2008, defendants

**JOSEPH TOOKES,
OTHNIEL TOOKES, and
TANJANIA POWELL-AVERY**

devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

3. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, the following defendants for the purpose of executing the scheme described in Count One, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DEFENDANTS	DATE	DESCRIPTION
4	JOSEPH TOOKES	August 28, 2006	Fax of a settlement statement regarding the sale of 1664 South 54th Street, Philadelphia, Pennsylvania, from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

5	JOSEPH TOOKES	March 23, 2007	Fax of an agreement of sale regarding 2732 Earp Street, Philadelphia, Pennsylvania, from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.
6	JOSEPH TOOKES	May 2, 2007	Fax of an agreement of sale regarding 1938 South Redfield Street, Philadelphia, Pennsylvania, from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.
7	JOSEPH TOOKES & OTHNIEL TOOKES	July 16, 2007	Fax of an agreement of sale regarding 152 Woodland Avenue, Lansdowne, Pennsylvania, from a location in Media, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.
8	JOSEPH TOOKES	November 7, 2007	Fax of an agreement of sale regarding 5548 Whitby Avenue, Philadelphia, Pennsylvania, from a location in Philadelphia, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.
9	JOSEPH TOOKES & TANJANIA POWELL-AVERY	December 20. 2007	Fax of bank statements and other information regarding the sale of 59 Price Avenue, Lansdowne, Pennsylvania, from a location in Wynnewood, Pennsylvania, to the Victim Company in Mount Laurel, New Jersey.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1341, 1343, and 1349 set forth in this indictment, defendants

**JOSEPH TOOKES,
OTHNIEL TOOKES, and
TANJANIA POWELL-AVERY**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the 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;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c), both incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture, including but not limited to any and all right, title, and interest in the following real property and appurtenances known as:

- (a) 1311 West Wishart Street, Philadelphia, Pennsylvania, 19132;

- (b) 1712 S. 28th Street, Philadelphia, Pennsylvania, 19145;
- (c) 1044 S. 56th Street, Philadelphia, Pennsylvania, 19143; and
- (d) 2402 N. Clarion Street, Philadelphia, Pennsylvania, 19132.

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

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney