

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

LINDA MACK (3)

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:13-CR-0083-JCM-CWH

USM Number: 47724-048

RACHEL KORENBLAT, AFPD

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) (1) AND (7) OF THE SUPERSEDING INDICTMENT.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

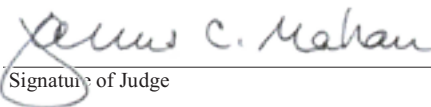
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC§1349	Conspiracy to Commit Bank Fraud, Mail Fraud and Wire Fraud	<u>11/2006</u>	1
18 USC§1344	Bank Fraud	<u>4/2/2005</u>	7

The defendant is sentenced as provided in pages 2 through 12 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ **Original Indictment and all remaining counts in the superseding indictment are dismissed on the motion of the United States.**

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/6/2017

Date of Imposition of Judgment



Signature of Judge

JAMES C. MAHAN, U.S. DISTRICT JUDGE

Name and Title of Judge

September 7, 2017

Date

DEFENDANT: LINDA MACK (3)
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LINDA MACK (3)

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SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of : **(5) years per count to run concurrent for a total of (5) years.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663, 3663A, or any other statute authorizing restitution. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

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SPECIAL CONDITIONS OF SUPERVISION

1. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
2. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office will share financial information with the U.S. Attorney's Office.
3. You must not engage in an occupation, business, or profession, or volunteer activity that would require or enable you to be involved with any escrow business without the prior approval of the probation officer.
4. You must not communicate, or otherwise interact, with any co-defendants, either directly or through someone else, without first obtaining the permission of the probation officer.
5. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030 (e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Note: A written statement of the conditions of release was provided to the Defendant by the Probation Officer in open court at the time of sentencing.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ 0.00	\$ 0.00	\$ 20,027,450.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
"See restitution list attached"			

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Restitution List

Victim	Loss	Street	City, State	Zip
Aegis Funding Corp	\$67,000.00	9990 Richmond Ave Ste 350	Houston, TX	77042
Aegis Mortgage Corp	\$20,000.00	3250 Briarpark Drive	Houston, TX	77042
American Mortgage Express dba Millennium Funding Group	\$47,400.00	1775 Wehrle Drive	Buffalo, NY	14221
Aurora Commercial Corp	\$1,468,966.00	7807 E Peakview Ave	Centennial, CO	80111
Aurora Loan SVS	\$121,250.00	2617 College Park	Scottsbluff, NE	69361
Barclays Bank PLC	\$74,600.00	745 7 th Avenue, 27 th Floor	New York, NY	10119
Bank of America	\$4,390,749.00	PO Box 29961 Mail Code: AZ1-200-20-35	Phoenix, AZ	85038
Beneficial Finance I Inc.	\$88,000.00	17461 Derian Avenue, Suite 200	Irvine, CA	92614
Central Mortgage Co	\$409,600.00	PO Box 8025	Little Rock, AR	72203
CitiBank, NA	\$578,700.00	1 Penns Way	New Castle, DE	19720
CitiMortgage, Inc	\$193,980.00	4740 121st Street	Urbandale, IA	50323
Credit Suisse Securities (USA) LLC	\$323,700.00	1 Madison Ave 9th Floor	New York, NY	10010
DD Acquisition Sub LLC	\$80,000.00	6203 E Dr Martin Luther	Tampa, FL	33619
Deutsche Bank National Trust Co	\$456,560.00	60 Wall Street Mail Stop: NYC 60-3615	New York, NY	10005
DTA Solutions LLC	\$75,000.00	9428 Baymeadows Rd, Ste 260	Jacksonville, FL	32256
Equifirst Corp	\$62,000.00	500 Forrest Point Circle	Charlotte, NC	28273
FDIC	\$259,000.00	3501 N Fairfax Drive	Arlington, VA	22226
First Franklin	\$1,299,000.00	2150 North First Street	San Jose, CA	95131
GFP IV PR SUB, LLC	\$105,000.00	874 Walker Rd, Suite C	Dover, DE	19904
GMAC	\$155,850.00	1100 Virginia Drive	Ft Washington, PA	19034
Goldman Sachs	\$103,000.00	101 Constitution Ave NW	Washington, DC	20001
Green Tree Mortgage	\$53,600.00	PO Box 6172	Rapid City, SD	57709

HSBC	\$884,950.00	PO Box 1231	Brandon, FL	33509
Impac Mortgage Holdings Inc	\$40,250.00	19500 Jamboree Rd	Irvine, CA	92614
JP Morgan Chase	\$2,387,242.00	7610 West Washington Street	Indianapolis, IN	46231
Lehman Brothers Holdings Inc	\$123,250.00	1271 Avenue of the Americas	New York, NY	10020

Morgan Stanley Mortgage Capital Holdings, LLC	\$296,445.00	1585 Broadway Lower B	New York, NY	10036
Mortgage Express Services	\$70,250.00	2972 Highway K	O'Fallon, MO	63368
Natixis Real Estate Holdings LLC	\$162,500.00	9 West 57th St 36th Floor	New York, NY	10019
Nomura Credit Capital Inc	\$31,100.00	309 West 49th Street	New York, NY	10019
Ocwen Loan Servicing , LLC	\$445,300.00	3451 Hammond Ave	Waterloo, IA	50702
Pacific Mercantile Bank	\$140,400.00	949 South Coast Dr, Third Floor	Costa Mesa, CA	92626
RBS Financial Products Inc	\$527,970.00	600 Washington Blvd	Stamford, CT	06901
Residential Funding Co LLC	\$106,138.00	8400 Normandale Lake Blvd, Ste 350	Minneapolis, MN	55437
RFC Trustee 03	\$222,600.00			
SGGH, LLC	\$83,000.00	15303 Ventura Blvd Suite 1600	Sherman Oaks, CA	91403
Terwin Advisors, LLC dba The Winter Group	\$1,396,900.00	45 Rockefeller Plaza	New York, NY	10111
The Bank of New York Mellon	\$517,700.00	One Wall Street	New York, NY	10286
United Guaranty Residential Insurance Co	\$40,000.00	230 N Elm Street	Greensboro, NC	27401
US Bank	\$540,600.00	800 Nicollet Mall	Minneapolis, MN	55402
US Bank NA as trustee on behalf of Home Equity Asset Trust 2005-4 Home Equity Pass Through Certificates Series 2005-4	\$142,000.00	17500 Rockside Rd	Bedford, OH	44146
Wells Fargo Bank, NA d/b/a ASC	\$810,200.00	PO Box 10328	Des Moines, IA	50306
Wells Fargo Home Mortgage	\$259,600.00	PO Box 10335	Des Moines, IA	50306

Wilshire Credit Corp	\$232,100.00	14523 SW Millikan Way	Beaverton, OR	97005
WMC Mortgage Corp	\$134,000.00	3100 Thornton Ave	Burbank, CA	91504
Grand Total	\$20,027,450.00			

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Restitution Re-Payment - You shall make restitution payments at a rate at no less than 10% of gross income subject to an adjustment by the probation officer based upon your ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Linda Mack (3); Derrick Phelps (1); Cynthia Phelps (2); Tai Keyster (4); Daryll Reese (5)
Total amount: \$20,027,450.00. Joint and Several Amount: \$20,027,450.00.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
"FINAL ORDER OF FORFEITURE ATTACHED"

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

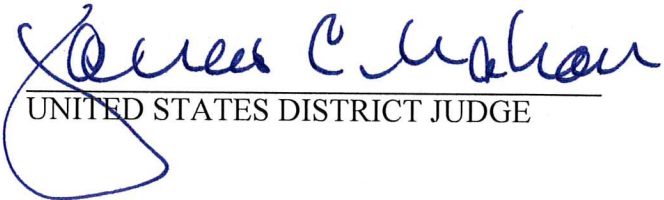
UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Final Order of Forfeiture
)
 LINDA MACK,)
)
 Defendant.)

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States recover from Linda Mack the in personam criminal forfeiture money judgment of \$661,477.41 pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p).

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
2 of this Order to all counsel of record and three certified copies to the United States Attorney's
3 Office, Attention Asset Forfeiture Unit.

4 DATED this 14 day of Sept, 2017.

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6 
7 UNITED STATES DISTRICT JUDGE
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