

DISTRICT COURT, CITY AND COUNTY OF
DENVER, COLORADO

1437 Bannock Street
Denver, CO 80202

THE PEOPLE OF THE STATE OF COLORADO,

v.

WENDY THOMAS

CRISTINA NICOLE SMITH, aka C. NICOLE SMITH
and NICOLE SMITH

KURT SMITH

SHEILA GIBERTI

SHEILA GASTON

DUANE THOMAS

CHRISTOPHER CONSOL

JANICE GARDNER

and

JOSEPH SLOWEY

Defendants.

▲ COURT USE ONLY ▲

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Registration Number: 26869

Case No.:

GJ Case No.: 13CR0001

Ctrm: 209

COLORADO STATE GRAND JURY INDICTMENT

Of the 2013-2014 term of the Denver District Court in the year 2013; the 2013-2014 Colorado State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

COUNT ONE	COCCA-Pattern of Racketeering- Participation in an Enterprise, §18-17-104(3), C.R.S. (F2) 37284
COUNT TWO	COCCA-Conspiracy, §18-17-104(4), C.R.S. (F2) 37285
COUNT THREE	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT FOUR	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT FIVE	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT SIX	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT SEVEN	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT EIGHT	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT NINE	Theft - \$1,000-\$20,000, §18-4-401(1)(a),(2)(c), C.R.S. (F4) 0801U
COUNT TEN	Conspiracy to Commit Theft - \$1,000-\$20,000, §18-4-401(1)(a),(2)(c), C.R.S. and §18-2-201, C.R.S. (F5) 0801UC
COUNT ELEVEN	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT TWELVE	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT THIRTEEN	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT FOURTEEN	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
COUNT FIFTEEN	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
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COUNT SIXTY-THREE	Forgery, §18-5-102(1)(c), C.R.S. (F5) 1001C
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COUNT ONE

37284 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. §18-17-104(3) (F2)

On or about January 1, 2008 through October 31, 2013, and initially discovered on or about March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Giberti, Sheila Gaston, Duane Thomas and Christopher Consol** while employed by or associated with an enterprise, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of section 18-17-104(3), C.R.S.

COUNT TWO

37285 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT- CONSPIRACY, C.R.S. §18-17-104(4) (F2)

On or about January 1, 2008 through October 31, 2013, and initially discovered on or about March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Giberti, Sheila Gaston, Duane Thomas, Janice Gardner and Christopher Consol** and/or others to the Grand Jury and the Attorney General known or unknown, did unlawfully, knowingly, and feloniously conspire to conduct and participate, directly or indirectly, in an enterprise, through a pattern of racketeering activity; in violation of sections 18-17-104(4) and 18-17-104(3), C.R.S.

The offenses alleged in Counts One and Two were committed in the following manner:

The Enterprise

The Enterprise alleged in Counts One and Two is primarily a group of individuals, associated in fact, although not a legal entity, as well as a group of affiliated legal entities. More specifically the enterprise includes, but is not limited to, the following associated in fact individuals and/or legal entities:

Wendy Thomas

Cristina Nicole Smith, aka C. Nicole Smith and Nicole Smith

Kurt Smith

Sheila Giberti

Sheila Gaston

Duane Thomas

Christopher Consol and/or ReHab Homes, Inc. and/or AZIO Home Buyers Inc.

Janice Gardner and/or Gardner Realty

Joseph Slowey and/or AgentWorks 360 and/or JMS Property Development
d/b/a State Street Realty

Tracy Bushka and/or TrueLife 360

Todd Burnham and/or The Burnham Law Firm, P.C. and/or Continental Title

Sandra Weisenfluh

Jeffrey S. Watson and/or Jeffrey S. Watson, Ltd.

Go Fresh Realty, LLC

Home Support Solutions Inc.

DEW Management and Investing Services Inc.

DEWCO Construction, LLC

CNS & Associates, LLC

Manitou Ventures, LLC

Cherry Creek Properties

Colorado Prestige Escrow, LLC

Austin Escrow & Title

and other persons or entities known or unknown to the Grand Jury and the Attorney General.

The above cited members of the Enterprise collaborated with one or more of the others as principals and/or complicitors to use their status as professionals in the real estate industry or as related associates to execute a fraud for profit scheme that centered on the manipulation of multiple real estate transactions through short sales. A "short sale" is a somewhat lengthy alternative to foreclosure for a financially distressed homeowner where a lender, who holds a secured interest in the real property, authorizes the financially distressed homeowner to conduct a private sale of the home to an arms-length purchaser for an agreed upon purchase price. The proceeds of this sale are then provided to the lender in exchange for the lender releasing the deed or lien. In these short sale scenarios that occur between the

financially distressed homeowner and the arms-length purchaser the amount of the sale proceeds is usually less than what is actually owed to the lender by the financially distressed homeowner.

The fraud for profit scheme that was relied upon by the Enterprise used two real estate transactions that were occurring simultaneously and which were respectively known as the A-B and B-C transactions or components. The basic premise of the A-B component of the fraudulent scheme first focused on the Enterprise identifying distressed homeowners who were in a pre-foreclosure status. Once a property was zeroed in by members of the Enterprise the goal was then to obtain control and ownership over the property through a series of deceptive tactics. One of the tactics used in support of the scheme was the Enterprise's use of an orchestrated set of actions that were designed to deceive a short sale lender by "flopping" the pre-foreclosed property. "Flopping" is a technique where a suspect who is engaging in a real estate fraud takes actions and/or makes statements that are designed to have the distressed home appear less desirable and in need of costly repairs. "Flopping" is also known as reverse staging. The "flopping" is also designed to assist the Enterprise in making the offer and final sale price in the proposed A-B short sale be as low as possible.

The Enterprise often used a related family member or a business associate, with a different last name, as straw purchasers who were fraudulently represented to the lender as being pre-qualified to buy homes. In the case of the related family member evidence was developed showing that this family member was not financially capable of buying a home. The Enterprise's repeated use of the same related family member and business associate is evidence that these real estate transactions were not arms length in nature. Contemporaneous to the Enterprise working to "flop" the distressed homeowner's property and using a related family member as the purported buyer, the Enterprise also persuades the distressed homeowner to establish a Revocable Living Trust and to convey the property to the trust through a new Warranty Deed. After these actions are executed some of the new documents are recorded. These actions worked to convey the property from the distressed homeowner to the Trust and were done unbeknownst to the lender and, thus, were done without the authorization of the lender.

Once these actions occur the B-C part of transaction ensues with the Enterprise using its control over the Trust to list the property on the Multiple Listing Service (MLS), with a goal of selling the property for a higher price to an unknowing, third party purchaser. Another key component of the scheme is that the timing of the A-B and B-C closings often occurred in close proximity to each other so that the funds obtained from one sale were then available to be used to conduct the A-B short sale and pay off to the short sale lender in exchange for the lien being released. For this critical timing to occur the Enterprise relied on the complicit actions of a compliant closing agent at a title company who could synchronize the two closings to occur on a set schedule, so that the innocent parties of the B-C transaction would not know about

the A-B transaction. The difference between the sales price of the B-C sale and the A-B short sale was a key part of the financial profit that the Enterprise's fraudulent acts permitted. Additionally, the Enterprise's fraud for profit scheme also thrived by the members being unjustly enriched after acquiring extra fees and commissions that resulted from the illicit scheme being executed. This model was repeatedly used for a large amount of homes from at least 2008 to the present day.

The process for a legitimate short sale typically begins when the financially distressed homeowner is in default and is facing a looming foreclosure. The homeowner then usually seeks out and consults with an expert to weigh his or her options regarding their home. After the homeowner chooses the short sale option they will likely retain a real estate agent to list the property on the MLS. This agent will then conduct a market analysis to determine the estimated price for the home. This market analysis is based on a variety of factors. It is important that the estimated price is maximized yet is done in a manner that is also realistic given that the marketing time for this short sale cannot be protracted because of the homeowner's continuing financial obligations to the lender. Once the property is listed on the MLS one or more purchase offers from prospective arms-length purchasers will be made and forwarded to the lender for its consideration. Contemporaneous to these actions the financially distressed homeowner and the listing agent are also working with the lender to facilitate the arduous and paperwork intensive "short sale" process. This process includes the homeowner and agent obtaining a prequalification letter from the prospective arms-length purchaser, showing that the purchaser has the finances arranged so that they can purchase the short sale property. Additionally, one or more Broker Price Opinions (BPOs) and/or appraisals are submitted to the lender by the agent working on behalf of the distressed homeowner that are used to demonstrate the supposed market value of the property and its condition. After the financially distressed homeowner and the arms-length purchaser have agreed upon a contract price the short sale process is dependent on the lender for the financially distressed homeowner providing a final authorization for the agreed upon sales price between the financially distressed homeowner and the arms-length purchaser. Once the lender has given its final approval for the short sale to proceed a traditional real estate closing will occur that is facilitated by a title company.

The following summary serves as a representative example of the fraud for profit scheme that was and still is typically employed by this Enterprise:

A distressed homeowner who is in default with their lender/servicer becomes aware of a foreclosure rescue business that offers to assist the homeowner to avoid a foreclosure by working with them to conduct a short sale of their property. Not only does the foreclosure rescue business advertise to this population of distressed homeowners but they also proactively review public filings with a goal of identifying distressed homeowners who can be solicited by a member of the Enterprise so that a business arrangement is entered into for the supposed purpose of working with the

lender to conduct a short sale. Once a member of Enterprise (usually Wendy Thomas or Sheila Gaston) establishes a relationship with the distressed homeowner a variety of documents are requested and/or executed. This is the beginning of the A-B component of the scheme. Sheila Gaston stated to law enforcement on June 6, 2013 that she did work under Wendy Thomas and at her direction to scout the properties, meet with the distressed homeowners, and to make presentations about short sales. Ms. Gaston also confirmed that she prepared and notarized the documents that were relied upon to initiate and facilitate the process of usurping ownership and the eventual B-C sales flip.

One of first relevant documents that Ms. Gaston, on behalf of Ms. Thomas and the Enterprise, would usually order would be an Ownership and Encumbrance Report (O&E) for the real estate that was at issue. The O&E shows the name of the owner that the lender is familiar with as being the Mortgagor. The timing of the O&E report being ordered at this point in time becomes important later in the alleged scheme. With the Enterprise possessing a hard copy O&E, which still lists the distressed homeowner as being the owner, this particular O&E becomes a critical artifice that can later be used to influence and deceive the lender into believing that a valid prospective short sale is actually occurring between the original distressed homeowner and a supposed arms-length purchaser.

Sometime after the hard copy of the O&E was received by the Enterprise Ms. Thomas and/or Ms. Gaston had the distressed homeowner execute a Revocable Living Trust. This action was done so that ownership of the real estate was transferred from the distressed homeowner to the Trust with a new Warranty Deed also being executed. As part of this creation of the Trust the distressed homeowner then designated Wendy Thomas to serve as the sole Trustee. From this point forward Ms. Thomas possessed the authority to make critical decisions regarding the disposition of the real estate. The new Warranty Deed was then recorded with the Clerk and Recorder in the county where the real estate is located. No further O&E is ordered.

It is important to note that the actions involving the establishment and use of the Trust by the Enterprise were typically done without the lender having knowledge of these actions. While the short sale process was pending the lenders still believed the distressed homeowners, as represented by the most recently pulled O&E by Ms. Gaston, were still the owners, not the Enterprise controlled Trust with Ms. Thomas as the Trustee.

Contemporaneous, and often on the same day that the distressed homeowners conveyed their ownership interest in their residential real estate into the Enterprise controlled Trust, a Contract for Sale and Purchase as a Short Sale was executed between the distressed homeowner as the seller and Sandra Weisenfluh, the mother of Wendy Thomas, as the straw short sale purchaser. Evidence was established showing that Ms. Weisenfluh was given specific instructions by Wendy Thomas to sign

numerous documents related to a large number of short sale real estate purchases. Furthermore, at this stage of the scheme the Enterprise expanded from Wendy Thomas, her businesses and Sheila Gaston to also include C. Nicole Smith and her business, CNS & Associates, LLC. Ms. Smith and her business participated as the retained Negotiator who was supposed to interact between the distressed sellers and the lender/servicer in the pre-foreclosure, short sale process.

Once this foundation for the A-B component had been established multiple members of the Enterprise each had specific duties or tasks to accomplish that were designed to be used as part of a scheme or artifice to deceive or defraud the short sale lender and/or servicer. The members of the Enterprise at this stage were most notably Wendy Thomas and her businesses; Ms. Thomas' then husband Duane Thomas and his businesses; Ms. Thomas' mother, Sandra Weisenfluh; Sheila Gaston; C. Nicole Smith and her business; and Ms. Smith's husband Kurt Smith. Duane Thomas was a contractor and Kurt Smith was a realtor.

For example C. Nicole Smith and her business would submit a formal request to a lender that would initiate the pre-foreclosure, short sale on a specific property. This request would include a variety of enclosed documents that were created by one or more members of the Enterprise that served a specific purpose in support of the ongoing fraud. A sample of the documents that were made, completed, altered and/or uttered by members of the Enterprise included, but were not limited to: Ownership and Encumbrance Reports (O&E), Preliminary HUD-1 Settlement Statements, HUD-1 Settlement Statements, Broker Price Opinions (BPOs), Pre-Qualification Letters, Contractor Formal Proposals (aka Repair Lists), and Affidavits of Arm's Length Transaction.

Some examples of the fraudulent nature of these documents were when Wendy Thomas, Sheila Gaston and Kurt Smith each coordinated to create misleading BPOs that were designed to deceive the lender/servicer into believing that the home that was the subject of the proposed short sale was more distressed and required more costly repairs than it was in reality. This was a key as part of the "flopping" technique. Furthermore, Wendy Thomas' then husband, Duane Thomas, a contractor, would then rely on Ms. Gaston to create a Formal Proposal or Repair List that usually was a near identical match to the remarkably similar BPOs that were created and submitted by Ms. Thomas, Ms. Gaston and/or Mr. Smith. The various suspect documents that are listed above, as well as others, were submitted to the lender by C. Nicole Smith. Additionally, members of the Enterprise also fabricated Pre-Qualification letters that falsely represented to the short sale lenders/servicers that Sandra Weisenfluh was qualified to receive mortgage loans from lenders when the evidence showed that in reality she was not qualified.

While the A-B component of the scheme was continuing to evolve, Wendy Thomas again coordinated with Kurt Smith to start the B-C component with Mr. Smith actually listing the property on the MLS. As part of Mr. Smith's MLS listing he

usually represented, via his remarks on the listing, that the property was desirable, contrary to his earlier BPO representations that were done in support of the “flopping” technique used in the A-B component.

It is important to emphasize that at the same time the short sale lender is being led to believe that the distressed homeowner is in fact the owner and Sandra Weisenfluh is the supposed arms-length purchaser, Wendy Thomas, as the trustee for the Revocable Living Trust, was now assuming the role of seller for the same property to a third party buyer who was unknown to the short sale lender. With the innocent parties of the A-B component basically being compartmentalized or isolated from the innocent parties of B-C component, the fraud for profit scheme was capable of being executed. This was accomplished by the Enterprise erecting a “wall” between the A-B and B-C components.

One of the key actions that Ms. Smith undertook on behalf of the Enterprise in the A-B component was to make the lowest offer to the lender. Quite often Ms. Smith’s first offer was far below the amount owed on the note. These unreasonably low bids were more often than not immediately rejected by the lenders, thus resulting in follow up bids being made by Ms. Smith on behalf of the Enterprise. It is a reasonable inference that the use of the “flopping” technique was employed by the Enterprise to support its unreasonable and artificially low initial offers.

Once the short sale lender/servicer finally approves the short sale in the A-B component, without knowledge that the B-C component is proceeding, the Enterprise would then rely on Sheila Giberti, a title and escrow company closer, to conduct two closings that happened relatively close in time to each other. As was discussed above the funds that were obtained in the B-C component were then often used, but not always, to pay off the short sale lender in the A-B component. The difference between the two components was the profit for the Enterprise along with extra fees and commissions that resulted from the fraudulent real estate transactions. Evidence was developed by the Grand Jury showing e-mail communications amongst Wendy Thomas, C. Nicole Smith and Sheila Gaston to “load” or pad the HUD-1 Settlement Statements with multiple fees, costs and added expenses so that when a closing occurred the Enterprise received additional funds. Sheila Giberti, as the complicit closer, had a key role with the creation and use of the HUD-1’s and the disbursement of the various funds to the members of the Enterprise after the closing.

In the end, the goal of the scheme was to use deception to get the lowest dollar amount for the completed short sale in the A-B component while achieving the highest possible sales price in the B-C component, thus making a larger profit and greater commissions for the Enterprise. It should be noted that each of the lenders or servicers which were impacted by the Enterprise’s alleged scheme were a “Mortgage Lending Business” as defined by Federal Law and these businesses’ activities affected interstate commerce. As a result these businesses are further designated under Federal Law to be “Financial Institutions.”

Pattern of Racketeering Activity

Wendy Thomas, Cristina Nicole Smith, Kurt Smith, Sheila Giberti, Sheila Gaston, Duane Thomas, Janice Gardner, Joseph Slowey, Christopher Consol and others known and unknown to the Grand Jury directly and in concert, engaged in, attempted to engage in, conspired to engage in, or solicited another to engage in at least two predicate acts, including any lesser offenses, related to the conduct of the enterprise, with at least one of which took place in the State of Colorado after July 1, 1981 and the last of the acts of racketeering activity occurring within ten years after a prior act of racketeering activity and include:

Theft, C.R.S. §18-4-401

Conspiracy to Commit Theft, C.R.S. §§ 18-2-201 and 18-4-401

Forgery, C.R.S. §18-5-102

Bank Fraud, 18 U.S.C. §1344

Money Laundering, §18-5-309

Racketeering Activity

The acts of racketeering activity that the above named persons committed, attempted to commit, conspired to commit, or solicited, coerced, or intimidated another person to commit, consist of the following predicate acts, including any lesser included offenses:

PREDICATE ACT ONE
(Re. 20778 E. Grand Place, Aurora, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about March 18, 2010 through April 15, 2011, in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud Aurora Loan Services, Aurora Bank FSB (an FDIC insured institution), Freddie Mac and/or Lehman Brothers Holdings, which are financial institutions, or to obtain any moneys, funds, credits, assets, securities, or other property from Aurora Loan Services, Aurora Bank FSB (an FDIC insured institution), Freddie Mac and/or Lehman Brothers Holdings, which are financial institutions, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT TWO
(Re. the Go Fresh Realty BPO for 20778 E. Grand Place, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about June 14, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THREE

(Re. the Cherry Creek Properties BPO for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 13, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas and Kurt Smith** with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FOUR

(Re. a Pre-Qualification Letter for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 14, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas** with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIVE

(Re. the DEWCO Formal Proposal/Repair List for 20778 E. Grand Place, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about June 11, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, and Wendy Thomas**, with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIX

(Re. the HUD-1 Settlement Statement for the A-B Component of 20778 E. Grand Place, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about April 11, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Aurora Loan Services, Lehman Brothers Holdings, Aurora Bank FSB, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SEVEN

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 11, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Aurora Loan Services, Lehman Brothers Holdings, Aurora Bank FSB, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT EIGHT

(Re. 20778 E. Grand Place, Aurora, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about April 11, 2011 to April 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Freddie Mac, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Freddie Mac permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT NINE
(Re. 20778 E. Grand Place, Aurora, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about March 18, 2010 to April 30, 2011, and discovered on March 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The offenses alleged in Predicate Acts One through Nine were committed in the following manner and serve as the essential facts along with the incorporation of the essential facts that were used to summarize the Enterprise that was described above:

In early 2010 an investor with the initials AC owned a home located at 20788 E. Grand Place in Aurora, CO with Aurora Loan Services (ALS), a subsidiary of Aurora Bank FSB (an FDIC insured financial institution), as the lender and/or loan servicer. As of January 2010 the outstanding loan balance for this mortgage was \$275,000.00. In March 2010 AC, who was in pre-foreclosure with regards to this home, began a contractual relationship with Wendy Thomas and Sheila Gaston along with Ms. Thomas' real estate businesses that focused on foreclosure rescue work. The evidence that was developed by the Grand Jury showed that on or about March 18, 2010 Sheila Gaston pulled an O&E on this property which listed AC as the current owner. However, approximately one week later, on or about March 25, 2010, Ms. Gaston, acting as a complicit agent of Ms. Thomas and her businesses, had AC and his significant other execute multiple pages of documents including, but not limited to contracts, a Family Revocable Living Trust and a Warranty Deed that transferred ownership from AC to the Trust. Wendy Thomas was appointed as the sole trustee over this newly created Trust. Furthermore, on March 25, 2010, a purported home buyer, Sandra Weisenfluh, was already on board and was a signator on many of these legal documents. ALS never had any knowledge that ownership of the home had been transferred from AC to the Family Revocable Living Trust with Wendy Thomas, daughter of Sandra Weisenfluh, acting as the Trustee.

Additionally, C. Nicole Smith's business, CNS & Associates, LLC was now retained by Ms. Thomas and Ms. Gaston to serve as the short sale negotiator with AC's lender/servicer, ALS. With Ms. Smith now involved, a series of coordinated

documents that contain materially false or deceptive information were prepared and/or submitted to Aurora Loan Services by Wendy Thomas, Kurt Smith, Duane Thomas, Sheila Gaston and C. Nicole Smith. These documents included two BPOs, a Formal Proposal, a Purchase Agreement, a Preliminary HUD-1, an O&E and at least two Pre-Qualification Letters that were each designed to deceive ALS into believing that AC was still the lawful owner of the property, that Sandra Weisenfluh was financially capable of purchasing the home, that the home required at least \$19,000.00 worth of specific repairs, and that a prospective arms length short sale was in the process of occurring in terms of the various parties involved.

While C. Nicole Smith was continuing to negotiate with ALS in an attempt to drive down the price of the purported Short Sale from AC to Sandra Weisenfluh to an amount that was as low as possible, her husband Kurt Smith started to list this property on the MLS. It is important to note that when Kurt Smith's June 2010 BPO, that was prepared and submitted in support of the A-B component "flopping" scheme, is compared to both his October 2010 Seller's Property Disclosure (with Wendy Thomas) and the November 2010 MLS listing that was done in support of the B-C component, a clearer picture of the Enterprise's overall plan to deceive becomes more evident.

In March and April 2011 after the A-B Short Sale negotiations had concluded, a sales price of \$186,000.00 was approved. This occurred after months worth of various documents had been submitted by members the Enterprise to ALS for its detrimental reliance. ALS then required the various parties to the purported short sale to submit an Arms Length Affidavit. Contemporaneously with the above occurring and unbeknownst the ALS, Kurt Smith and Wendy Thomas were preparing to sell the same property to another purchaser in the B-C component for \$206,000.00. On April 11, 2011 Sheila Giberti, the compliant title company closer conducted the A-B closing that was supposedly occurring between AC as the seller and Sandra Weisenfluh as the purchaser. The Giberti prepared HUD-1 falsely represented that Weisenfluh brought \$185,229.13 to the closing even though the Grand Jury learned that Ms. Weisenfluh was simply a straw buyer for the Enterprise who had few, if any, financial assets of her own. The April 11, 2011 HUD-1 also misrepresented that AC was the the seller/owner since the Trust was created on March 25, 2010 and was still in effect on April 15, 2011 when the Wendy Thomas controlled Trust sold the property to a person with the initials MP. It is also noted that the Affidavit of Arms Length Transaction that contained various material misrepresentations was subscribed and sworn to by Wendy Thomas, Sheila Giberti and Sandra Weisenfluh.

As a result of the above summarized facts Wendy Thomas, Duane Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti worked collaboratively, both as principals and complicitors in support of the Enterprise members' ability to fraudulently obtain in excess of \$1000.00 in the form of commissions and fees from ALS and/or Freddie Mac. But for the deceptive scheme that these members of the Enterprise were involved with these commission funds and fees that were in excess of

\$1000.00 would not have been obtained and were done so with the intent to permanently deprive Freddie Mac.

PREDICATE ACT TEN
(Re. 9755 Marmot Ridge Cr., Littleton, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about April 1, 2010 through May 31, 2011, in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud JP Morgan Chase Bank N.A. (an FDIC insured institution) and/or Freddie Mac, financial institutions, or to obtain any moneys, funds, credits, assets, securities, or other property from JP Morgan Chase Bank N.A. (an FDIC insured institution) and/or Freddie Mac, financial institutions, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT ELEVEN
(Re. a Go Fresh Realty BPO for 9755 Marmot Ridge Cr., Littleton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 20, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud JP Morgan Chase Bank N.A., and/or Freddie Mac unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWELVE

(Re. the Cherry Creek Properties BPO for 9755 Marmot Ridge Cr., Littleton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 20, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTEEN

(Re. a Pre-Qualification Letter for 9755 Marmot Ridge Cr., Littleton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 19, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FOURTEEN

(Re. the DEWCO Formal Proposal/Repair List for 9755 Marmot Ridge Cr., Littleton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 20, 2010 through April 12, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTEEN

(Re. the HUD-1 Settlement Statement for the A-B Component of 9755 Marmot Ridge Cr., Littleton CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about May 16, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTEEN

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 9755 Marmot Ridge Cr., Littleton CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about May 16, 2011, in the State of Colorado, **Wendy Thomas** with the intent to defraud, JP Morgan Chase N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SEVENTEEN

(Re. 9755 Marmot Ridge Cr., Littleton CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about April 1, 2011 to May 31, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Freddie Mac, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Freddie Mac permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT EIGHTEEN
(Re. 9755 Marmot Ridge Cr., Littleton CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about April 1, 2010 to May 30, 2011, and discovered on March 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Ten through Eighteen were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in April 2010 a homeowner with the initials LJ owned 9755 Marmot Ridge Circle in Littleton, CO. LJ's home loan for this real property was being serviced by JP Morgan Chase Bank N.A. and was guaranteed by Freddie Mac. In mid to late May 2010 LJ established a relationship with Wendy Thomas and her businesses after LJ's debt obligations regarding this home evolved into a pre-foreclosure status. Ms. Thomas and/or her associate Sheila Gaston then followed a procedure with LJ and this property that was substantially similar to what they employed with AC and his property on E. Grand Place that was discussed earlier in this Indictment. For example, on or about May 25, 2010, an O&E was pulled by Ms. Gaston prior to a Trust being established and reflecting that LJ was the owner of the property even though a few weeks later, in mid-June 2010, a series of documents were created by the named members of the Enterprise and then executed, including a Trust and Warranty Deed, that conveyed the property into a Trust now controlled by Wendy Thomas as the Trustee. No other O&E was pulled. This step, as was evidenced in the E. Grand Place scheme, was the seminal step for the Enterprise to start the deceptive use of the Short Sale process to their benefit and to the detriment of JP Morgan Chase Bank N.A. and/or Freddie Mac.

Relatively contemporaneous with this occurrence, and substantially similar to what was observed in the Enterprise's coordinated actions in the E. Grand Place scheme, the Enterprise again retained C. Nicole Smith and her business to serve as the short sale negotiator with JP Morgan Chase Bank N.A and/or Freddie Mac. As part of Ms. Smith's duties as part of the fraud, on or about July 30, 2010, she again assembled a packet of nearly identical documents that were used in the E. Grand Place scheme and submitted them to JP Morgan Chase Bank N.A.. Some of the documents that Ms. Smith submitted on behalf of the Enterprise contained fraudulent information, misinformation and/or omissions that were designed to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac during the short sale process. These documents included BPOs from Wendy Thomas, Sheila Gaston and Kurt Smith, an out of date and now incorrect O&E, a fraudulent pre-qualification letter for Sandra Weisenfluh as the purported purchaser, and a preliminary HUD-1 that misrepresented the true seller and also listing Ms. Weisenfluh as the borrower.

Again as was observed in the E. Grand Place scheme and unbeknownst to JP Morgan Chase Bank N.A. and/or Freddie Mac, the Enterprise engaged the services of Kurt Smith to list this property on the MLS now that Wendy Thomas had control over the sale and disposition of the property to an innocent third party buyer, MH. Mr. Smith's MLS listing as part of the B-C component, contains material information that was inconsistent with information contained in his BPO that was created and submitted in support of the observed fraud in the A-B component. Finally, on May 16, 2011, the Short Sale closing for the Marmot Ridge Circle property occurred with Sheila Giberti again conducting the closing. Ms. Giberti, both as a principal and as a complicit member of the Enterprise, misrepresented throughout this A-B closing that LJ was legally the seller, that Sandra Weisenfluh was the viable buyer and that Ms. Weisenfluh was actually bringing money to the closing. Furthermore, an Arms Length Affidavit was executed and submitted by the named members of the Enterprise that was not accurate and which was designed to deceive the JP Morgan Chase Bank N.A. and/or Freddie Mac. Later on or about May 31, 2011 Ms. Giberti again conducted a second or B-C closing for the Marmot Ridge Circle property, but this time the Wendy Thomas controlled Trust was now the purported seller even though Sandra Weisenfluh had just supposedly purchased the property on May 16, 2011. As a result of this final step of the short sale fraud scheme that the Enterprise engineered by using the Marmot Ridge Circle property to deceive the financial institutions, the named members of the Enterprise communicated with each other and agreed to collaboratively work to obtain money in excess of \$1,000.00 in terms of ill gotten commissions, fees and/or profits.

PREDICATE ACT NINETEEN
(Re. 15211 East 101st Way, Commerce City, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about February 1, 2010 through February 28, 2011, in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud Wells Fargo Bank N.A. (an FDIC insured institution) and/or Wells Fargo Home Mortgage, financial institutions, or to obtain any moneys, funds, credits, assets, securities, or other property from Wells Fargo Bank N.A. (an FDIC insured institution) and/or Wells Fargo Home Mortgage, financial institutions, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT TWENTY
(Re. a Go Fresh Realty BPO for 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 20, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-ONE

(Re. the Cherry Creek Properties BPO for 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 22, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-TWO

(Re. a Pre-Qualification Letter for 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 23, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-THREE

(Re. the DEWCO Formal Proposal/Repair List for 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 14, 2010 through May 20, 2010 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-FOUR

(Re. the HUD-1 Settlement Statement for the A-B Component of 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about February 7, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-FIVE

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 7, 2011 to February 7, 2011, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT TWENTY-SIX

(Re. 15211 East 101st Way, Commerce City, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about February 7, 2011 to February 28, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Wells Fargo Bank N.A., with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Wells Fargo Bank N.A. permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT TWENTY-SEVEN
(Re. 15211 East 101st Way, Commerce City, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about February 1, 2010 to February 28, 2011, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Nineteen through Twenty-Seven were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in February 2010 homeowners with the initials DM and RM owned 15211 E. 101st Way in Commerce City, CO. Their home loan for this real property was being serviced by Wells Fargo Home Mortgage, a subsidiary of Wells Fargo Bank N.A.. In mid to late February 2010 DM and RM established a relationship with Wendy Thomas and her businesses after their debt obligations regarding this home evolved into a pre-foreclosure status. Ms. Thomas and/or her associate Sheila Gaston then followed a procedure with DM and RM and this property that was substantially similar to what they employed in the transactions that were alleged above and earlier in this Indictment. For example, on or about February 23, 2010, an O& E was pulled by Ms. Gaston prior to a Trust being established that reflected that DM and RM were the owners of the property even though a few weeks later, on or about March 11, 2010, a series of documents were created by the named members of the Enterprise and then executed, including a Trust and Warranty Deed, that conveyed the property into a Trust now controlled by Wendy Thomas as the Trustee. This step, as was evidenced in the other schemes that were alleged above, was the seminal step for the

Enterprise to start the deceptive use of the Short Sale process to their benefit and to the detriment of Wells Fargo Home Mortgage and Wells Fargo Bank N.A..

Relatively contemporaneous with this occurrence, and substantially similar to what was observed in the Enterprise's coordinated actions in the other referenced schemes, the Enterprise again retained C. Nicole Smith and her business to serve as the short sale negotiator with Wells Fargo Home Mortgage and Wells Fargo Bank N.A. (Wells). As part of Ms. Smith's duties as part of the fraud on or about May 7 and 20, 2010 she again assembled a packet of near identical documents that were used in the earlier discussed schemes and submitted them to Wells. Some of the documents that Ms. Smith submitted on behalf of the Enterprise contained fraudulent information, misinformation and/or omissions that were designed to defraud Wells during the short sale process. These documents included BPOs from Wendy Thomas, Sheila Gaston and Kurt Smith, an out of date and now incorrect O&E, a fraudulent pre-qualification letter for Sandra Weisenfluh as the purported purchaser, a Formal Proposal from Duane Thomas for Sandra Weisenfluh, and a preliminary HUD-1 that misrepresented the true seller and also listing Ms. Weisenfluh as the borrower, even though the evidence shows that she was nothing more than a straw purchaser for the Enterprise.

Again, as was observed in the other schemes and unbeknownst to Wells, the Enterprise engaged the services of Kurt Smith to list this property on the MLS now that Wendy Thomas had control over the sale and disposition of the property to an innocent third party buyer, TW. Mr. Smith's MLS listing as part of the B-C component contains material information that was inconsistent with information contained in his BPO that was created and submitted in support of the observed fraud in the A-B component. Finally, on February 7, 2011 the A-B Short Sale closing for the 15211 E. 101st Way property occurred with Sheila Giberti again conducting the closing. Ms. Giberti, both as a principal and as a complicit member of the Enterprise, misrepresented throughout this closing that DM and RM were the legal sellers, that Sandra Weisenfluh was the viable buyer and that Ms. Weisenfluh was actually bringing money to the closing. Furthermore, an Arms Length Affidavit was executed and submitted by the named members of the Enterprise that was not accurate and which was designed to deceive Wells. Later on February 22, 2011, Ms. Giberti again conducted a second or B-C closing for this same property but this time the Wendy Thomas controlled Trust was now the purported seller even though Sandra Weisenfluh had just supposedly purchased the property on February 7, 2011. As a result of this final step of the short sale fraud scheme that the Enterprise engineered by using the 101st Way property to deceive the financial institutions, the named members of the Enterprise communicated with each other and agreed to collaboratively work to obtain money in excess of \$1,000.00 in terms of ill gotten commissions, fees and/or profits.

PREDICATE ACT TWENTY-EIGHT
(Re. 15866 E. Cornell, Aurora, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about August 1, 2010 through April 12, 2011 in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud Colorado Housing and Finance Authority (CHFA), a financial institution, or to obtain any moneys, funds, credits, assets, securities, or other property from Colorado Housing and Finance Authority (CHFA), a financial institution, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT TWENTY-NINE
(Re. a Go Fresh Realty BPO for 15866 E. Cornell, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about September 24, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY

(Re. the Cherry Creek Properties BPO for 15866 E. Cornell, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about September 23, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-ONE

(Re. a Pre-Qualification Letter for 15866 E. Cornell, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about September 24, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-TWO

(Re. the HUD-1 Settlement Statement for the A-B Component of 15866 E. Cornell, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 28, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-THREE

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 15866 E. Cornell, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 28, 2011, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-FOUR
(Re. 15866 E. Cornell, Aurora, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about March 28, 2011 to April 12, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT THIRTY-FIVE
(Re. 15866 E. Cornell, Aurora, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about August 1, 2010 to April 12, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Twenty-Eight through Thirty-Five were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in August 2010 homeowners with the initials MD and SD owned 15866 E. Cornell, Aurora, CO. Their home loan for this real property was being serviced by the Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA). In late August 2010 MD and SD established a relationship with Wendy Thomas and her businesses after their debt obligations

regarding this home evolved into a pre-foreclosure status. Ms. Thomas and/or her associate Sheila Gaston then followed a procedure with MD and SD and this property that was substantially similar to what they employed in the transactions that were alleged above and earlier in this Indictment. For example, on or about August 24, 2010, an O&E was pulled by Ms. Gaston, prior to a Trust being established, that reflected that MD and SD as the owners of the property even though a few weeks later on or about September 15, 2010, a series of documents were created by the named members of the Enterprise and then executed, including a Trust and Warranty Deed, that conveyed the property into a Trust now controlled by Wendy Thomas as the Trustee. This step, as was evidenced in the other schemes that were alleged above, was the seminal step for the Enterprise to start the deceptive use of the Short Sale process to their benefit and to the detriment of Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA).

Relatively contemporaneous with this occurrence, and substantially similar to what was observed in the Enterprise's coordinated actions in the other referenced schemes, the Enterprise again retained C. Nicole Smith and her business to serve as the short sale negotiator with CHFA. As part of Ms. Smith's duties as part of the fraud, on or about October 14, 2010, she again assembled a packet of near identical documents that were used in the earlier discussed schemes and submitted them to CHFA. Some of the documents that Ms. Smith submitted on behalf of the Enterprise contained fraudulent information, misinformation and/or omissions that were designed to defraud CHFA during the short sale process. These documents included BPOs from Wendy Thomas, Sheila Gaston and Kurt Smith, an out of date and now incorrect O&E, a fraudulent pre-qualification letter for Sandra Weisenfluh as the purported purchaser, a Formal Proposal from Duane Thomas for Sandra Weisenfluh, and a preliminary HUD-1 that misrepresented the true seller and also listing Ms. Weisenfluh as the borrower, even though the evidence shows that she was nothing more than a straw purchaser for the Enterprise.

Again as was observed in the other schemes and unbeknownst to CHFA, the Enterprise engaged the services of Kurt Smith to list this property on the MLS now that Wendy Thomas had control over the sale and disposition of the property to innocent third party buyers JS and GH. Mr. Smith's MLS listing as part of the B-C component contains material information that was inconsistent with information contained in his BPO that was created and submitted in support of the observed fraud in the A-B component. Finally, on March 28, 2011, the Short Sale closing for the 15866 E. Cornell property occurred with Sheila Giberti again conducting the A-B closing. Ms. Giberti, both as a principal and as a complicit member of the Enterprise, misrepresented throughout this closing that MD and SD were the legal sellers, that Sandra Weisenfluh was the viable buyer and that Ms. Weisenfluh was actually bringing money to the closing. Furthermore, an Arms Length Affidavit was executed and submitted by the named members of the Enterprise that was not accurate and which was designed to deceive CHFA. Later on April 11, 2011 Ms. Giberti again conducted a second or B-C closing for this same property but this time the Wendy

Thomas controlled Trust was now the purported seller even though Sandra Weisenfluh had just supposedly purchased the property on March 28, 2011. As a result of this final step of the short sale fraud scheme that the Enterprise engineered by using the 15866 E. Cornell property to deceive the financial institutions, the named members of the Enterprise communicated with each other and agreed to collaboratively work to obtain money in excess of \$1,000.00 in terms of ill gotten commissions, fees and/or profits.

PREDICATE ACT THIRTY-SIX
(Re. 5109 E. 127th Court, Thornton, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about January 1, 2010 through July 7, 2010 in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud Colorado Housing and Finance Authority (CHFA), a financial institution, or to obtain any moneys, funds, credits, assets, securities, or other property from Colorado Housing and Finance Authority (CHFA), a financial institution, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT THIRTY-SEVEN
(Re. a Go Fresh Realty BPO for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 18, 2010 through March 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-EIGHT

(Re. the Cherry Creek Properties BPO for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 19, 2010 through March 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT THIRTY-NINE

(Re. a Pre-Qualification Letter for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 22, 2009 through March 30, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY

(Re. the DEWCO Formal Proposal/Repair List for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 19, 2010 through March 30, 2010 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY-ONE

(Re. the HUD-1 Settlement Statement for the A-B Component of 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 6-8, 2010, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement and Addendum; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY-TWO

(Re. HUD Closing Worksheet/Arm's Length Acknowledgement for the A-B Component of 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about to July 6-8, 2010, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD Closing Worksheet with an acknowledgement of an Arm's Length Transaction ; in violation of section 18-5-102(1)(c), C.R.S

PREDICATE ACT FORTY-THREE

(Re. 5109 E. 127th Court, Thornton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about July 6, 2010 to July 8, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars , without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT FORTY-FOUR
(Re. 5109 E. 127th Court, Thornton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2010 to July 8, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Thirty-Six through Forty-Four were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in January 2010 homeowners with the initials PF and EF owned 5109 E. 127th Court, Thornton, CO. Their home loan for this real property was being serviced by the Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA). In late January 2010 into early February 2010 PF and EF established a relationship with Wendy Thomas and businesses after their debt obligations regarding this home evolved into a pre-foreclosure status. Ms. Thomas and/or her associate Sheila Gaston then followed a procedure with PF and EF and this property that was substantially similar to what they employed in the transactions that were alleged above and earlier in this Indictment. For example, on or about February 7, 2010, an O& E was pulled by Ms. Gaston prior to a Trust being established that reflected that PF and EF were the owners of the property, even though a few weeks later on or about February 18, 2010, a series of documents were created by the named members of the Enterprise and then executed, including a Trust and Warranty Deed, that conveyed the property into a Trust now controlled by Wendy Thomas as the Trustee. This step, as was evidenced in the other schemes that were alleged above, was the seminal step for the Enterprise to start the deceptive use of the Short Sale process to their benefit and to the detriment of Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA).

Relatively contemporaneous with this occurrence, and substantially similar to what was observed in the Enterprise's coordinated actions in the other referenced schemes, the Enterprise again retained C. Nicole Smith and her business to serve as

the short sale negotiator with CHFA. As part of Ms. Smith's duties as part of the fraud on or about March 29, 2010, she again assembled a packet of near identical documents that were used in the earlier discussed schemes and submitted them to CHFA. Some of the documents that Ms. Smith submitted on behalf of the Enterprise contained fraudulent information, misinformation and/or omissions that were designed to defraud CHFA during the short sale process. These documents included BPOs from Wendy Thomas, Sheila Gaston and Kurt Smith, an out of date and now incorrect O&E, a fraudulent pre-qualification letter for Sandra Weisenfluh as the purported purchaser, a Formal Proposal from Duane Thomas for Sandra Weisenfluh, and a preliminary HUD-1 that misrepresented the true seller and also listing Ms. Weisenfluh as the borrower, even though the evidence shows that she was nothing more than a straw purchaser for the Enterprise.

Again as was observed in the other schemes and unbeknownst to CHFA, the Enterprise engaged the services of Kurt Smith to list this property on the MLS once Wendy Thomas had control over the sale and disposition of the property to an innocent third party buyers JR and CB. Mr. Smith's MLS listing as part of the B-C component contains material information that was inconsistent with information contained in his BPO that was created and submitted in support of the observed fraud in the A-B component. Finally, on or about July 6, 2010 the Short Sale closing for this property occurred with Sheila Giberti again conducting the A-B closing. Ms. Giberti, both as a principal and as a complicit member of the Enterprise, misrepresented throughout this closing that PF and EF were the legal sellers, that Sandra Weisenfluh was the viable buyer and that Ms. Weisenfluh was actually bringing money to the closing. Furthermore, an Arms Length Transaction document was executed and submitted by the named members of the Enterprise that was not accurate and which was designed to deceive CHFA and FHA. FHA is part of the Department of Housing and Urban Development (HUD). Also on or about July 6, 2010 Ms. Giberti again conducted a second or B-C closing for this same property but this time the Wendy Thomas controlled Trust was now the purported seller even though Sandra Weisenfluh had just supposedly purchased the property. As a result of this final step of the short sale fraud scheme that the Enterprise engineered by using the 5109 E. 127th Court property to deceive the financial institutions, the named members of the Enterprise communicated with each other and agreed to collaboratively work to obtain money in excess of \$1,000.00 in terms of ill gotten commissions, fees and/or profits.

PREDICATE ACT FORTY-FIVE
(Re. 484 Stetson Court, Brighton, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about November 1, 2009 through July 21, 2010 in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Kurt Smith, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud GMAC Mortgage, a financial institution, or to obtain any moneys, funds, credits, assets, securities, or other property from GMAC Mortgage, a financial institution, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT FORTY-SIX
(Re. a Go Fresh Realty BPO for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 26, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY-SEVEN

(Re. the Cherry Creek Properties BPO for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 29, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY-EIGHT

(Re. a Pre-Qualification Letter for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 28, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FORTY-NINE

(Re. the DEWCO Formal Proposal/Repair List for 484 Stetson Court, Brighton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about January 27, 2010 through February 11, 2010, in the State of Colorado, C. **Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, GMAC Mortgage and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTY

(Re. the HUD-1 Settlement Statement for the A-B Component of 484 Stetson Court, Brighton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about June 29-30, 2010, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement and Addendum; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTY-ONE

(Re. the HUD Closing Worksheet and Arm's Length/Name Affidavit and Acknowledgement as for the A-B Component of 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 29, 2010, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Arm's Length Affidavit and Acknowledgement and/or a Name Affidavit; in violation of section 18-5-102(1)(c), C.R.S

PREDICATE ACT FIFTY-TWO

(Re. 484 Stetson Court, Brighton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about June 29, 2010 to July 26, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to GMAC Mortgage and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT FIFTY-THREE
(Re. 484 Stetson Court, Brighton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about November 1 2009, to July 26, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Forty-Five through Fifty-Three were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in November 2009, homeowners with the initials TG and ML owned 484 Stetson, Brighton, CO. Their home loan for this real property was being serviced by the GMAC Mortgage and/or the Federal Housing Administration (FHA), In approximately early December 2009 TG and ML established a relationship with Wendy Thomas and her businesses after their debt obligations regarding this home evolved into a pre-foreclosure status. Ms. Thomas and/or her associate Sheila Gaston then followed a procedure with TG and ML and this property that was substantially similar to what they employed in the transactions that were alleged above and earlier in this Indictment. For example, on or about December 3, 2009, an O& E was pulled by Ms. Gaston prior to a Trust being established that reflected TG and ML as the owners of the property, even though a few weeks later, on or about December 17, 2009, a series of documents were created by the named members of the Enterprise and then executed, including a Trust and Warranty Deed, that conveyed the property into a Trust now controlled by Wendy Thomas as the Trustee. This step, as was evidenced in the other schemes that were alleged above, was the seminal step for the Enterprise to start the deceptive use of the Short Sale process to their benefit and to the detriment of GMAC Mortgage and/or the Federal Housing Administration (FHA).

Relatively contemporaneous with this occurrence, and substantially similar to what was observed in the Enterprise's coordinated actions in the other referenced schemes, the Enterprise again retained C. Nicole Smith and her business to serve as

the short sale negotiator with GMAC. As part of Ms. Smith's duties as part of the fraud, on or about February 4-11, 2010 she again assembled a packet of near identical documents that were used in the earlier discussed schemes and submitted them to GMAC Mortgage. Some of the documents that Ms. Smith submitted on behalf of the Enterprise contained fraudulent information, misinformation and/or omissions that were designed to defraud GMAC Mortgage during the short sale process. These documents included BPOs from Wendy Thomas, Sheila Gaston and Kurt Smith, an out of date and now incorrect O&E, a fraudulent pre-qualification letter for Sandra Weisenfluh as the purported purchaser, a Formal Proposal from Duane Thomas for Sandra Weisenfluh, and a preliminary HUD-1 that misrepresented the true seller and also listing Ms. Weisenfluh as the borrower, even though the evidence shows that she was nothing more than a straw purchaser for the Enterprise.

Again as was observed in the other schemes and unbeknownst to GMAC, the Enterprise engaged the services of Kurt Smith to list this property on the MLS now that Wendy Thomas had control over the eventual sale and disposition of the property to an innocent third party buyer, SLS. Mr. Smith's MLS listing as part of the B-C component contains material information that was inconsistent with information contained in his BPO that was created and submitted in support of the observed fraud in the A-B component. Finally, on or about June 29, 2010, the Short Sale closing for this property occurred with Sheila Giberti again conducting the A-B closing. Ms. Giberti, both as a principal and as a complicit member of the Enterprise, misrepresented throughout this closing that TG and ML were the legal sellers, that Sandra Weisenfluh was the viable buyer and that Ms. Weisenfluh was actually bringing money to the closing. Furthermore, an Arms Length Affidavit was executed and submitted by the named members of the Enterprise that was not accurate and which was designed to deceive GMAC Mortgage. Also on or about July 15, 2010, Ms. Giberti again conducted a second or B-C closing for this same property but this time the Wendy Thomas controlled Trust was now the purported seller even though Sandra Weisenfluh had just supposedly purchased the property. As a result of this final step of the short sale fraud scheme that the Enterprise engineered by using the 484 Stetson property to deceive the financial institutions, the named members of the Enterprise communicated with each other and agreed to collaboratively work to obtain money in excess of \$1,000.00 in terms of ill gotten commissions, fees and/or profits.

PREDICATE ACT FIFTY-FOUR

(Re. 7071 Dahlia Street, Commerce City, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about January 1, 2011 through September 15, 2011 in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Duane Thomas, Kurt Smith, Christopher Consol, Janice Gardner and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud US Bank N.A., a financial institution, by and through its agent, SPS, or to obtain any moneys, funds, credits, assets, securities, or other property from US Bank N.A., a financial institution, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT FIFTY-FIVE

(Re. a Go Fresh Realty BPO for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 7, 2011 through April 14, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S

PREDICATE ACT FIFTY-SIX

(Re. the Cherry Creek Properties BPO for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 9, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud, US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTY-SEVEN

(Re. a Pre-Qualification Letter for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 8, 2011 through April 14, 2011, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTY-EIGHT

(Re. the Rehab Homes Formal Proposal/Repair List for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 8, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT FIFTY-NINE

(Re. Financial Worksheet for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about February 1, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Wendy Thomas and Duane Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: Financial Workseet; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY

(Re. the HUD-1 Settlement Statement for the A-B Component of 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 19, 2011, in the State of Colorado, **Sheila Giberti, Wendy Thomas, Duane Thomas and Christopher Consol** with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-ONE

(Re. the Closing Instructions for the A-B Component of 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 19, 2011, in the State of Colorado, **Wendy Thomas, Duane Thomas, Christopher Consol and Sheila Giberti** with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: Closing Instructions; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-TWO
(Re. 7071 Dahlia Street, Commerce City, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about July 19, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Kurt Smith, Duane Thomas, Janice Gardner and Christopher Consol**, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to US Bank N.A., with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT SIXTY-THREE
(Re. 7071 Dahlia Street, Commerce City, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Kurt Smith, Duane Thomas, Janice Gardner and Christopher Consol**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Fifty-Four through Sixty-Three were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in January 2011 Wendy Thomas and Duane Thomas owned 7071 Dahlia Street in Commerce City, CO. Their mortgage was being serviced by Select Portfolio Servicing (SPS) on behalf of the note holder, US Bank N.A., a federally insured bank. On or about January 11, 2011 US Bank N.A. began the foreclosure process against this property. With this process beginning on their own property Wendy and Duane Thomas initiated the A-B and B-C short sale flop and flip scheme

with the critical assistance of Sheila Gaston, C. Nicole Smith, Kurt Smith, Sheila Giberti as well as some other individuals, namely: Christopher Consol, Janice Gardner and Tracy Bushka. Mr. Consol and Ms. Bushka have a history of being associated with Wendy Thomas and are currently believed to each be business partners with Wendy Thomas as well. Ms. Gardner is a close friend and professional colleague of Wendy Thomas.

On or about March 5, 2011 Sheila Gaston prepared a package of documents with all the trust and contract documents for Wendy and Duane Thomas to sign just like was done with the other homeowners who were referenced earlier in this Indictment. In April 2011 C. Nicole Smith continued her negotiator role for the Enterprise and engaged SPS in the short sale process. As part of this process Ms. Smith submitted various documents to SPS including fraudulent/deceptive BPOs from Ms. Thomas, Ms. Gaston and Mr. Smith, as well as a forged Pre-Qualification Letter for Christopher Consol that represented that he was qualified for a loan. Furthermore, Ms. Smith submitted a deceptive Formal Proposal for repairs that was purportedly prepared by a Steve R. Shannon of Rehab Homes that appeared substantially similar to the format and contents contained in the Duane Thomas related Formal Proposals that were fraudulently used in the earlier transactions. The Enterprise then purportedly assigned its realtor commissions to Tracy Bushka for this short sale.

On July 19, 2011 the A-B closing occurred involving Wendy and Duane Thomas selling the home as a short sale to Mr. Consol for a contract sales price of \$57,000.00 Ms. Giberti again served in the capacity as the closer. SPS and US Bank N.A. were deceived in various ways by the named members of the Enterprise, including, but not limited to being unaware that Mr. Consol was affiliated with Wendy and Duane Thomas and thus was not an arms length purchaser, that the \$57,000.00 + that was purportedly brought by Consol to the closing actually originated with Wendy Thomas' Home Support Solutions, that a trust had been established and that a separate B-C sale would be occurring. Regarding this B-C sale Wendy Thomas' friend and business partner Janice Gardner, served as the listing agent on behalf of the Thomas/Gaston created Trust with Sandra Weisenfluh now serving as the Trustee. On August 26, 2011 the B-C closing occurred with Sheila Giberti again presiding over this transaction. This time the Thomas influenced Trust was selling the property to PL for a contract sales price \$89,900.00. When the A-B and B-C closings were both concluded various commissions, fees and profits, that were in excess of \$1000.00, were fraudulently obtained by the named Enterprise who collaborated to facilitate these crimes.

PREDICATE ACT SIXTY-FOUR
(Re. 9390 Nagel Drive, Thornton, CO)

BANK FRAUD, 18 U.S.C. § 1344

On or about January 1, 2011 through September 6, 2011 in the District of Colorado, State of Colorado, the defendants, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Duane Thomas, Christopher Consol, Janice Gardner, and Sheila Giberti**, unlawfully and knowingly executed or attempted to execute a scheme or artifice to defraud Bank of America, Bank of America Home Loans, and/or Wells Fargo, financial institutions, or to obtain any moneys, funds, credits, assets, securities, or other property from Bank of America, Bank of America Home Loans and/or Wells Fargo, financial institutions, by means of false or fraudulent pretenses, representations, or promises; in violation of 18 U.S.C. § 1344.

PREDICATE ACT SIXTY-FIVE
(Re. a Pre-Qualification Letter for 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 11, 2011 through April 30, 2011, in the State of Colorado, **C. Nicole Smith and Wendy Thomas**, with the intent to defraud, Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-SIX

(Re. the Rehab Homes Formal Proposal/Repair List for 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 16, 2011 through April 30, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-SEVEN

(Re. Financial Worksheet for 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about February 1, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Wendy Thomas and Duane Thomas**, with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Financial Workseet; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-EIGHT

(Re. the HUD-1 Settlement Statement for the A-B Component of 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about August 3, 2011, in the State of Colorado, **Sheila Giberti, Wendy Thomas, Duane Thomas and Christopher Consol** with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

PREDICATE ACT SIXTY-NINE

(Re. the Short Sale/Purchase Contract Addendum and a Realtor/Broker Listing Agent Certification for the A-B Component of 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about to July 20-25, 2011, in the State of Colorado, **Wendy Thomas, Duane Thomas and Christopher Consol** with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Short Sale/Purchase Contract Addendum and/or a Realtor/Broker Listing Agent Certification; in violation of section 18-5-102(1)(c), C.R.S

PREDICATE ACT SEVENTY
(Re. 9390 Nagel Drive, Thornton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about August 3, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner and Christopher Consol**, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Bank of America, Bank of America Home Loans and/or Wells Fargo, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT SEVENTY-ONE
(Re. 9390 Nagel Drive, Thornton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2011, to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner and Christopher Consol**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or **Joseph Slowey**, as well as a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Sixty-Four through Seventy-One were committed in the following manner and serve as the non-exclusive, essential facts:

Beginning in January 2011 Wendy Thomas and Duane Thomas owned 9390 Nagel Drive in Thornton, CO. Their mortgage was being serviced by Bank America Home Loans (BofA) on behalf of the note holder, Wells Fargo, a federally insured bank. On or about January 20, 2011 BofA began the foreclosure process against this property. With this process beginning on their own property Wendy and Duane Thomas

initiated the A-B and B-C short sale flop and flip scheme with the critical assistance of Sheila Gaston, C. Nicole Smith, Sheila Giberti as well as some other individuals, namely: Christopher Consol, Janice Gardner and Tracy Bushka. Mr. Consol and Ms. Bushka have a history of being associated with Wendy Thomas and are currently believed to each be business partners with Wendy Thomas as well. Ms. Gardner is a close friend and professional colleague of Wendy Thomas.

On or about February 1, 2011 Sheila Gaston prepared a package of documents with all the trust and contract documents for Wendy and Duane Thomas to sign just like was done with the Dahlia property and with other homeowners who were referenced earlier in this Indictment. In March and April 2011 C. Nicole Smith continued her negotiator role for the Enterprise and engaged BofA in the short sale process. As part of this process Ms. Smith submitted various documents to BofA including a forged Pre-Qualification Letter for Christopher Consol that represented that he was qualified for a loan. Furthermore, Ms. Smith submitted a deceptive Formal Proposal for repairs that was purportedly prepared by a Steve R. Shannon of Rehab Homes that appeared substantially similar to the format and contents contained in the Duane Thomas prepared Formal Proposals that were fraudulently used in the earlier transactions. The Enterprise then purportedly assigned its commissions to Tracy Bushka for this short sale.

On August 3, 2011 the A-B closing occurred involving Wendy and Duane Thomas selling the home as a short sale to Mr. Consol for a contract sales price of \$60,000.00 Ms. Giberti again served in the capacity as the closer. BofA was deceived in various ways by the named members of the Enterprise, including, but not limited to being unaware that Mr. Consol was affiliated with Wendy and Duane Thomas and thus was not an arms length purchaser, that the money that was purportedly brought by Consol to the closing actually originated with C. Nicole Smith, that a trust had been established and that a separate B-C sale would be occurring. Furthermore evidence was developed by the Grand Jury showing that the actions and statements of Joseph Slowey worked as part of the Enterprise to deceive and defraud BofA. Regarding this BC sale Wendy Thomas' friend, Janice Gardner, served as the listing agent on behalf of Thomas/Gaston created trust with Sandra Weisenfluh now serving as the Trustee. On or about September 6, 2011 the B-C closing occurred with Sheila Giberti again presiding over this transaction. This time the Thomas influenced Trust was selling the property to PL for a contract sales price \$105,000.00. When the A-B and B-C closings were both concluded various commissions, fees and profits, that were in excess of \$1000.00, were fraudulently obtained by the named Enterprise who collaborated to facilitate these crimes.

PREDICATE ACT SEVENTY-TWO

(Re. 7071 Dahlia Street, Commerce City, CO and 9390 Nagel Drive, Thornton, CO)

12213 MONEY LAUNDERING, § 18-5-309(1)(b)(I) (F3)

On or about July 19, 2011 through September 21, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Sheila Giberti, Christopher Consol and Wendy Thomas**, unlawfully and feloniously transported, transmitted or transferred a monetary instrument or moneys, with the intent to promote the commission of a criminal offense; in violation of section 18-5-309(1)(b)(I), C.R.S.

PREDICATE ACT SEVENTY-THREE

(Re. 7071 Dahlia Street, Commerce City, CO and 9390 Nagel Drive, Thornton, CO)

12213 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about July 19, 2011 through September 21, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Sheila Giberti, Christopher Consol and Wendy Thomas**, unlawfully and feloniously transported, transmitted or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in Predicate Acts Seventy-Two and Three were committed in the following manner and serve as the non-exclusive, essential facts:

Following the respective BC closings for the Dahlia and Nagel transactions Sheila Giberti created and disbursed two title company checks from Capital Title, LLC one in the amount of \$81,279.18 and the other for \$93,295.28. These two checks were payable to Azio Inc. Azio Inc. was Christopher Consol's business. In these matters Christopher Consol was enlisted by Wendy Thomas, C. Nicole Smith and Sheila Gaston to serve as the straw purchaser of the Wendy and Duane Thomas owned properties on the AB side of the fraudulent scheme. During the respective BC transactions the Wendy Thomas influenced Property Trusts supposedly sold the properties to third party purchasers. The sales profit from each of these illicit sales were instead disbursed by Ms. Giberti to Mr. Consol, who in turn deposited the funds in excess of \$170,000.00 into his Mutual of Omaha Bank account, 009300004662. Mr. Consol then wrote at least two checks to C. Nicole Smith's business, CNS& Associates as well as at least two checks to Sheila Gaston's business, Manitou Ventures. Furthermore, Mr. Consol wrote a check in excess of \$50,000.00 to a Thomas family member for the Dahlia property and another check in excess of

\$7000.00 to different Thomas family members. None of these banking transactions were reflected on any of the HUD-1 Settlement statements for Dahlia and Nagel.

COUNT THREE

(Re. the Go Fresh Realty BPO for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 14, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FOUR

(Re. the Cherry Creek Properties BPO for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 13, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIVE

(Re. a Pre-Qualification Letter for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 14, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIX

(Re. the DEWCO Formal Proposal/Repair List for 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 11, 2010 through July 5, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas** with the intent to defraud Aurora Loan Services, Aurora Bank FSB, Lehman Brothers Holdings, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SEVEN

(Re. the HUD-1 Settlement Statement for the A-B Component of 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 11, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Aurora Loan Services, Lehman Brothers Holdings, Aurora Bank FSB, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT EIGHT

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 20778 E. Grand Place, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 11, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Aurora Loan Services, Lehman Brothers Holdings, Aurora Bank FSB, and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

COUNT NINE

(Re. 20778 E. Grand Place, Aurora, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about April 11, 2011 to April 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Freddie Mac, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Freddie Mac permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT TEN

(Re. 20778 E. Grand Place, Aurora, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about March 18, 2010 to April 30, 2011, and discovered on March 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Three through Ten were previously described in the factual summary in support of Predicate Acts One through Nine for Counts One and Two and is incorporated by reference.

COUNT ELEVEN

(Re. a Go Fresh Realty BPO for 9755 Marmot Ridge Cr., Littleton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about July 20, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud JP Morgan Chase Bank N.A., and/or Freddie Mac unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWELVE

(Re. the Cherry Creek Properties BPO for 9755 Marmot Ridge Cr., Littleton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about July 20, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTEEN

(Re. a Pre-Qualification Letter for 9755 Marmot Ridge Cr., Littleton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about July 19, 2010 through July 30, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FOURTEEN

(Re. the DEWCO Formal Proposal/Repair List for 9755 Marmot Ridge Cr., Littleton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about July 20, 2010 through April 12, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTEEN

(Re. the HUD-1 Settlement Statement for the A-B Component of 9755 Marmot Ridge Cr., Littleton CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about May 16, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud JP Morgan Chase Bank N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIXTEEN

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 9755 Marmot Ridge Cr., Littleton CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about May 16, 2011, in the State of Colorado, **Wendy Thomas** with the intent to defraud, JP Morgan Chase N.A. and/or Freddie Mac, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SEVENTEEN

(Re. 9755 Marmot Ridge Cr., Littleton CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about April 1, 2011 to May 31, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Freddie Mac, with the value of one thousand dollars or more but less than twenty thousand dollars , without authorization, or by threat or deception, and intended to deprive Freddie Mac permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S

COUNT EIGHTEEN

(Re. 9755 Marmot Ridge Cr., Littleton CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about April 1, 2010 to May 30, 2011, and discovered on March 30, 2011 in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Eleven through Eighteen were previously described in the factual summary in support of Predicate Acts Ten through Nineteen for Counts One and Two and is incorporated by reference.

COUNT NINETEEN

(Re. a Go Fresh Realty BPO for 15211 East 101st Way, Commerce City, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about April 20, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY

(Re. the Cherry Creek Properties BPO for 15211 East 101st Way, Commerce City, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about April 22, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-ONE

(Re. a Pre-Qualification Letter for 15211 East 101st Way, Commerce City, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about April 23, 2010 through May 20, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-TWO

(Re. the DEWCO Formal Proposal/Repair List for 15211 East 101st Way, Commerce City, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about March 14, 2010 through May 20, 2010 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-THREE

(Re. the HUD-1 Settlement Statement for the A-B Component of 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about February 7, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-FOUR

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 15211 East 101st Way, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 7, 2011 to February 7, 2011, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Wells Fargo Bank N.A., and/or Wells Fargo Home Mortgage, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-FIVE
(Re. 15211 East 101st Way, Commerce City, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about February 7, 2011 to February 28, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Wells Fargo Bank N.A., with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Wells Fargo Bank N.A. permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT TWENTY-SIX
(Re. 15211 East 101st Way, Commerce City, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about February 1, 2010 to February 28, 2011, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Nineteen through Twenty-Six were previously described in the factual summary in support of Predicate Acts Twenty through Twenty-Seven for Counts One and Two and is incorporated by reference.

COUNT TWENTY-SEVEN

(Re. a Go Fresh Realty BPO for 15866 E. Cornell, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about September 24, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-EIGHT

(Re. the Cherry Creek Properties BPO for 15866 E. Cornell, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about September 23, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-NINE

(Re. a Pre-Qualification Letter for 15866 E. Cornell, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about September 24, 2010 through October 19, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY

(Re. the HUD-1 Settlement Statement for the A-B Component of 15866 E. Cornell, Aurora, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about March 28, 2011, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-ONE

(Re. the Affidavit of Arm's Length Transaction for A-B Component of 15866 E. Cornell, Aurora, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 28, 2011, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Affidavit of Arm's Length Transaction; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-TWO

(Re. 15866 E. Cornell, Aurora, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about March 28, 2011 to April 12, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT THIRTY-THREE
(Re. 15866 E. Cornell, Aurora, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about August 1, 2010 to April 12, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Twenty-Seven through Thirty-Three were previously described in the factual summary in support of Predicate Acts Twenty-Eight through Thirty-Five for Counts One and Two and is incorporated by reference.

COUNT THIRTY-FOUR
(Re. a Go Fresh Realty BPO for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 18, 2010 through March 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-FIVE

(Re. the Cherry Creek Properties BPO for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 19, 2010 through March 30, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-SIX

(Re. a Pre-Qualification Letter for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 22, 2009 through March 30, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-SEVEN

(Re. the DEWCO Formal Proposal/Repair List for 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about March 19, 2010 through March 30, 2010 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-EIGHT

(Re. the HUD-1 Settlement Statement for the A-B Component of 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 6-8, 2010, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement and Addendum; in violation of section 18-5-102(1)(c), C.R.S.

COUNT THIRTY-NINE

(Re. HUD Closing Worksheet/Arm's Length Acknowledgement for the A-B Component of 5109 E. 127th Court, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about to July 6-8, 2010, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD Closing Worksheet with an acknowledgement of an Arm's Length Transaction ; in violation of section 18-5-102(1)(c), C.R.S

COUNT FORTY

(Re. 5109 E. 127th Court, Thornton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about July 6, 2010 to July 8, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Colorado Housing and Finance Authority (CHFA) and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars , without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FORTY-ONE
(Re. 5109 E. 127th Court, Thornton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2010 to July 8, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Thirty-Four through Forty-One were previously described in the factual summary in support of Predicate Acts Thirty-Six through Forty-Four for Counts One and Two and is incorporated by reference.

COUNT FORTY-TWO
(Re. a Go Fresh Realty BPO for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 26, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-THREE

(Re. the Cherry Creek Properties BPO for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 29, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-FOUR

(Re. a Pre-Qualification Letter for 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about January 28, 2010 through February 11, 2010, in the State of Colorado, **C. Nicole Smith and Wendy Thomas** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-FIVE

(Re. the DEWCO Formal Proposal/Repair List for 484 Stetson Court, Brighton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about January 27, 2010 through February 11, 2010 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, GMAC Mortgage and/or the Federal Housing Administration (FHA) unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-SIX

(Re. the HUD-1 Settlement Statement for the A-B Component of 484 Stetson Court, Brighton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about June 29-30, 2010, in the State of Colorado, **Sheila Giberti and Wendy Thomas** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement and Addendum; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-SEVEN

(Re. the HUD Closing Worksheet/Arm's Length/Name Affidavit and Acknowledgement for the A-B Component of 484 Stetson Court, Brighton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about June 29, 2010, in the State of Colorado, **Wendy Thomas and Sheila Giberti** with the intent to defraud GMAC Mortgage and/or the Federal Housing Administration (FHA), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an Arm's Length Affidavit and Acknowledgement and/or a Name Affidavit; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FORTY-EIGHT

(Re. 484 Stetson Court, Brighton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about June 29, 2010 to July 26, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti** unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to GMAC Mortgage and/or the Federal Housing Administration (FHA), with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FORTY-NINE
(Re. 484 Stetson Court, Brighton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about November 1 2009 to July 26, 2010, and discovered on March 30, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston and Sheila Giberti**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Forty-Two through Forty-Nine were previously described in the factual summary in support of Predicate Acts Forty-Five through Fifty-Three for Counts One and Two and is incorporated by reference.

COUNT FIFTY
(Re. a Go Fresh Realty BPO for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 7, 2011 through April 14, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-ONE

(Re. the Cherry Creek Properties BPO for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 9, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Wendy Thomas, and Kurt Smith** with the intent to defraud, US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Broker Price Opinion; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-TWO

(Re. a Pre-Qualification Letter for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 8, 2011 through April 14, 2011, in the State of Colorado, **C. Nicole Smith and Wendy Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-THREE

(Re. the Rehab Homes Formal Proposal/Repair List for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about April 8, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-FOUR

(Re. Financial Worksheet for 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about February 1, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Wendy Thomas and Duane Thomas**, with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: Financial Workseet; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-FIVE

(Re. the HUD-1 Settlement Statement for the A-B Component of 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 19, 2011, in the State of Colorado, **Sheila Giberti, Wendy Thomas, Duane Thomas and Christopher Consol** with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-SIX

(Re. the Closing Instructions for the A-B Component of 7071 Dahlia Street, Commerce City, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 19, 2011, in the State of Colorado, **Wendy Thomas, Duane Thomas, Christopher Consol and Sheila Giberti** with the intent to defraud US Bank N.A. and/or SPS, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: Closing Instructions; in violation of section 18-5-102(1)(c), C.R.S.

COUNT FIFTY-SEVEN

(Re. 7071 Dahlia Street, Commerce City, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about July 19, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner and Christopher Consol**, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to US Bank, N.A., with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FIFTY-EIGHT

(Re. 7071 Dahlia Street, Commerce City, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Kurt Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner and Christopher Consol**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Fifty through Fifty-Eight were previously described in the factual summary in support of Predicate Acts Fifty-Four through Sixty-Three for Counts One and Two and is incorporated by reference.

COUNT FIFTY-NINE

(Re. a Pre-Qualification Letter for 9390 Nagel Drive, Thornton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about March 11, 2011 through April 30, 2011, in the State of Colorado, **C. Nicole Smith and Wendy Thomas**, with the intent to defraud, Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Pre-Qualification Letter; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIXTY

(Re. the Rehab Homes Formal Proposal/Repair List for 9390 Nagel Drive, Thornton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about March 16, 2011 through April 30, 2011 in the State of Colorado, **C. Nicole Smith, Sheila Gaston and Wendy Thomas**, with the intent to defraud, Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Formal Proposal/Repair List; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIXTY-ONE

(Re. Financial Worksheet for 9390 Nagel Drive, Thornton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about February 1, 2011 through April 14, 2011 in the State of Colorado, **C. Nicole Smith, Wendy Thomas and Duane Thomas**, with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Financial Workseet; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIXTY-TWO

(Re. the HUD-1 Settlement Statement for the A-B Component of 9390 Nagel Drive, Thornton, CO)

1001C **FORGERY, C.R.S. § 18-5-102(1)(c) (F5)**

On or about August 3, 2011, in the State of Colorado, **Sheila Giberti, Wendy Thomas, Duane Thomas, and Christopher Consol** with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a HUD-1 Settlement Statement; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SIXTY-THREE

(Re. the Short Sale/Purchase Contract Addendum and/or Realtor/Broker Listing Agent Certification for the A-B Component of 9390 Nagel Drive, Thornton, CO)

1001C FORGERY, C.R.S. § 18-5-102(1)(c) (F5)

On or about July 20-25, 2011, in the State of Colorado, **Wendy Thomas, Duane Thomas, Joseph Slowey and Christopher Consol** with the intent to defraud Bank of America and/or Bank of America Home Loans, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a Short Sale/Purchase Contract Addendum and/or a Realtor/Broker Listing Agent Certification; in violation of section 18-5-102(1)(c), C.R.S

COUNT SIXTY-FOUR

(Re. 9390 Nagel Drive, Thornton, CO)

0801U THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about August 3, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner, Joseph Slowey and Christopher Consol**, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: commissions, fees and/or profits in the form of money belonging to Bank of America, Bank of America Home Loans and/or Wells Fargo, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT SIXTY-FIVE
(Re. 9390 Nagel Drive, Thornton, CO)

0801UC CONSPIRACY TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) and C.R.S. § 18-2-201 (F5)

On or about January 1, 2011 to September 15, 2011, in the State of Colorado, **Wendy Thomas, C. Nicole Smith, Sheila Gaston, Sheila Giberti, Duane Thomas, Janice Gardner, Joseph Slowey and Christopher Consol**, with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with one or more of the above named individuals and/or a person or persons to the Grand Jury unknown that one or more of them would engage in conduct which constituted that crime or attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in furtherance of the conspiracy was committed by one or more of the conspirators, and the value of the thing or things of value was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-401(1)(a),(2)(c) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in Counts Fifty-Nine through Sixty-Five were previously described in the factual summary in support of Predicate Acts Sixty-Four through Seventy-One for Counts One and Two and is incorporated by reference.

COUNT SIXTY-SIX
(Re. 7071 Dahlia Street, Commerce City, CO and 9390 Nagel Drive, Thornton, CO)

12213 MONEY LAUNDERING, § 18-5-309(1)(b)(I) (F3)

On or about July 19, 2011 through September 21, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Sheila Giberti, Christopher Consol and Wendy Thomas**, unlawfully and feloniously transported, transmitted or transferred a monetary instrument or moneys, with the intent to promote the commission of a criminal offense; in violation of section 18-5-309(1)(b)(I), C.R.S.

COUNT SIXTY-SEVEN

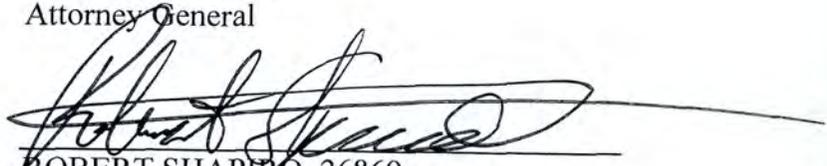
(Re. 7071 Dahlia Street, Commerce City, CO and 9390 Nagel Drive, Thornton, CO)

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about July 19, 2011 through September 21, 2011, in the State of Colorado, **C. Nicole Smith, Sheila Gaston, Sheila Giberti, Christopher Consol and Wendy Thomas**, unlawfully and feloniously transported, transmitted or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; in violation of section 18-5-309(1)(b)(II), C.R.S.

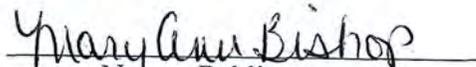
The essential facts for the offenses alleged in Counts Sixty-Six and Sixty-Seven were previously described in the factual summary in support of Seventy-Two and Seventy-Three for Counts One and Two and is incorporated by reference.

JOHN W. SUTHERS
Attorney General

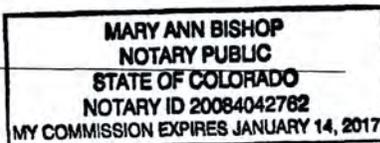


ROBERT SHAPIRO, 26869
First Assistant Attorney General
Special Prosecutions Unit
Criminal Justice Section

Subscribed to before me in the City and County of Denver, State of Colorado, this 14th day of November, 2013.


Notary Public

My commission expires:



The 2013-2014 Colorado Statewide Grand Jury presents the Indictment contained within and the same is hereby ORDERED FILED this 7 day of November, 2013.

Pursuant to § 13-73-107, C.R.S., the Court designates Adams (17th) County, Colorado as the county of venue for the purposes of trial.

Arrest Warrants are Issued for:

Wendy Thomas, with a bond set at \$ 150,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-defs - Court leave Co. w/out Ct's permission.

C. Nicole Smith, with a bond set at \$ 100,000 Cash or Surety, with the following conditions: _____

Sheila Gaston, with a bond set at \$ 50,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-defs and Court leave stle of Co w/out Ct's permission.

Sheila Giberti, with a bond set at \$ 100,000^{xx} Cash or Surety, with the following conditions: Court leave Co w/out Ct's permission and no contact w/ Co-def.

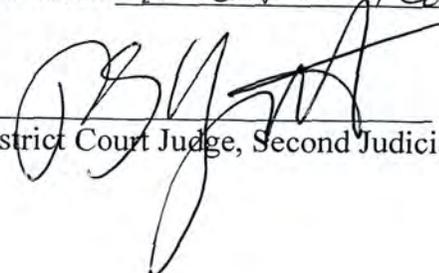
Duane Thomas, with a bond set at \$ 15,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-defs, Court leave Co w/out Ct's permission.

Kurt Smith, with a bond set at \$ 50,000^{xx} Cash or Surety, with the following conditions: Court leave stle w/out Ct's permission. no contact w/ Co-def except C. Nicole Smith.

Christopher Consol, with a bond set at \$ 30,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-def and Court leave stle of Co w/out Ct's permission.

Janice Gardner, with a bond set at \$ 15,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-def and Court leave Co w/out Ct's permission.

Joseph Slowey, with a bond set at \$ 5,000^{xx} Cash or Surety, with the following conditions: no contact w/ Co-def and Court leave Co w/out Ct's permission.


District Court Judge, Second Judicial District