



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
11-80175-CR-RYSKAMP/HOPKINS

Case No: _____
18 U.S.C. §1349

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIMBERLY S. DAISE,

Defendant.
_____ /

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Versailles was a real estate development of high-end, luxury single family homes in Wellington, Palm Beach County, Florida.
2. Defendant **KIMBERLY S. DAISE**, was licensed to practice law in the State of Florida. **KIMBERLY S. DAISE** operated a title agency which provided real estate closing services through an office located in Hollywood, Florida.
3. United States Department of Housing and Urban Development Settlement Statements, otherwise known as HUD-1 Forms, are balance sheets which reflect the financial aspects of a real estate closing and list all monies coming into a real estate closing, including all mortgages, down payments, and "cash to close," and all

disbursements of those funds, including payments of prior mortgages, miscellaneous charges, and seller proceeds. The Real Estate Settlement Procedures Act (RESPA) requires that an accurately completed HUD-1 Form be prepared for each mortgage which funds a real estate transaction. HUD-1 Forms must be signed by the seller, buyer, and closing agent.

4. EverBank was a financial institution and was in the business of lending funds to borrowers for mortgages on real property. EverBank was insured by the Federal Deposit Insurance Corporation and had certificate number 34775.

5. First Franklin, a division of National City Bank, was in the business of lending funds to borrowers for mortgages on real estate.

COUNT 1

(Conspiracy to Commit Bank and Wire Fraud: 18 U.S.C. § 1349)

6. Paragraphs 1 through 5 of the General Allegations section of this Information are realleged and incorporated by reference as though fully set forth herein.

7. From at least as early as on or about April 28, 2006, and continuing up to at least November 15, 2006, the exact dates being unknown, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendant,

KIMBERLY S. DAISE,

did willfully, that is, with the intent to further the objects of the conspiracy, knowingly combine, conspire, confederate, agree, and reach a tacit understanding with persons

both known and unknown, to commit the offenses of bank fraud and wire fraud, in violation of Title 18, United States Code, Sections 1344 and 1343.

PURPOSE AND OBJECT OF THE CONSPIRACY

7. It was the purpose and object of the conspiracy for the defendant, and others known and unknown, to unlawfully enrich themselves by, among other things, preparing and submitting, and causing to be prepared and submitted, materially false and fraudulent HUD-1 Settlement Forms and supporting documents, to obtain mortgage money from Everbank and First Franklin, and to mislead EverBank and First Franklin as to the ultimate distribution of the mortgage proceeds with regard to residential properties located at 10543 Versailles Boulevard, Wellington, Florida and 10727 Versailles Blvd., Wellington, Florida.

MANNER AND MEANS

The manner and means by which the defendant and her co-conspirators sought to accomplish the objects and purpose of the conspiracy included the following:

8. Defendant **KIMBERLY S. DAISE**, served as the title and closing agent for real estate transactions for properties located at 10543 Versailles Boulevard, Wellington, Florida and 10727 Versailles Blvd., Wellington, Florida. **KIMBERLY S. DAISE**, and others known and unknown, created, and caused to be created, fraudulent HUD-1s and fraudulent supporting documentation, and caused fraudulent HUD-1s to be provided to EverBank and First Franklin, the lenders for the mortgages, in order (1) to mislead the lenders as to the purchase price, (2) to mislead the lenders as to the cash

deposit and cash due at closing, and (3) to mislead the lenders as to the ultimate distribution of the mortgage monies obtained from the lenders.

9. Defendant **KIMBERLY S. DAISE**, and others known and unknown, created, and caused to be created, second HUD-1s which were signed by and provided to the sellers and the sellers' representatives which did not match the HUD-1s provided to the lenders - a practice known as preparing "double HUD-1s". The double HUD-1s were used to keep the lenders from learning that the sales prices had been inflated.

10. Defendant **KIMBERLY S. DAISE**, and others known and unknown, arranged for the fraud proceeds, i.e., the difference between the actual sales prices of the properties and the fraudulently obtained mortgage loans, to be disbursed to members of the conspiracy by creating, and causing to be created, a fraudulent HUD-1 and supporting documentation, which made it appear as if the fraud proceeds were being paid to the sellers of the property.

11. As a result of the materially false and fraudulent representations in the HUD-1s and other related documents, EverBank, funded at least \$1.575 million in mortgage loans to a straw buyer, and First Franklin funded at least \$1.168 million in mortgage loans to a straw buyer. The loan proceeds were wired to defendant **KIMBERLY S. DAISE's** title company bank accounts. Defendant **KIMBERLY S. DAISE** funneled approximately \$500,000 of the loan proceeds to businesses controlled by co-conspirators, who then divided the money with the other co-conspirators. The fraudulent loan proceeds were paid to the defendant and used for the benefit of the defendant and

her co-conspirators.

12. After the closings, the defendant or her co-conspirators made mortgage payments on the properties for a short period of time and then defaulted on the loans, causing substantial losses to EverBank and First Franklin.

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

A handwritten signature in black ink, appearing to read "W. A. Ferrer", written over a horizontal line.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Ellen L. Cohen", written over a horizontal line.

ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY