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U.S. COURTS
JUN 15 2011
Rcvd _____ Filed _____ Time _____
ELIZABETH A. SMITH
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)
)
) CR No. 10-017-S-EJL
)
) Plaintiff,)
)
) **SUPERSEDING INDICTMENT**
)
 vs.)
)
) 18 U.S.C. § 1343
)
) TRAVIS RICHARD HYMAS and)
) SEASON HYMAS,)
)
)
) Defendants.)
)
)

The Grand Jury Charges:

COUNTS ONE - SIX

Wire Fraud
Vio. 18 U.S.C. § 1343

A. Introduction

At all times material to this Indictment:

1. That TRAVIS RICHARD HYMAS and SEASON HYMAS resided in the Boise, Idaho, area.

2. That between 2005 and 2008, TRAVIS RICHARD HYMAS was a 50% owner and manager of Smart Home Technology. An unindicted person owned the other 50% interest in said entity. SEASON HYMAS worked part time at Smart Home Technology.

3. That TRAVIS RICHARD HYMAS acknowledged that he purchased and sold residential real estate for investment purposes.

4. That on July 17, 2008, TRAVIS RICHARD HYMAS and SEASON HYMAS filed a bankruptcy petition in the District of Idaho (Case No.08-1432-TLM). As a result of said bankruptcy petition, on March 19, 2009, the defendants were discharged from repaying the fraudulent loans that are alleged herein.

5. That GMAC Mortgage LLC, America Home Mortgage, Aegis Wholesale Corporation, Taylor, Bean & Whitaker Mortgage Corporation, and Mortgageit, Inc., are mortgage lenders; and Wells Fargo Bank, N.A., is a federally insured financial institution.

B. Scheme and Artifice to Defraud

6. That from on or about June 2006, continuing to on or about March 2007, in the District of Idaho, the defendants, TRAVIS RICHARD HYMAS and SEASON HYMAS, devised and intended to devise a scheme and artifice to defraud as to material matters, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises from mortgage lenders as alleged in Paragraph Five (5).

7. It was part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS submitted false and fraudulent loan applications to mortgage lenders to meet underwriting guidelines and appear to be qualified for said loans.

8. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS falsely and fraudulently inflated their monthly income on the loan applications that were submitted to support the funding of said fraudulent residential loans.

9. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS provided false and fraudulent amounts of rental income to support the funding of said fraudulent residential loans.

10. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS executed a false and fraudulent lease agreement that was submitted to obtain funding for a fraudulent residential loan.

11. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS falsely and fraudulently represented on a loan applications that a residence would be used by them as a "primary residence" when, in truth and in fact, they had no intent to occupy said residence and it was solely for investment purposes.

12. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS provided false information to mortgage lenders that TRAVIS RICHARD HYMAS and SEASON HYMAS were employees for a period of time when, in truth and in fact, they were not employed for the period represented.

13. It was further part of the scheme that false and fraudulent loan applications were submitted to mortgage lenders wherein TRAVIS RICHARD HYMAS and SEASON HYMAS appeared to have sufficient credit worthiness to support said loans when, in truth and in fact, they did not have the financial ability to repay the monies owed on said loans.

14. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS submitted said fraudulent information to certain loan brokers who they knew would not question the validity of said fraudulent documentation.

15. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS caused said mortgage lenders to fund approximately six (6) fraudulent residential loans for a total approximate value of \$1,415,000. As a result of said fraudulent residential loan scheme, said mortgage lenders incurred losses in excess of approximately \$500,000.

C. Execution of the Scheme

16. On or about the dates set forth below in the District of Idaho, the defendants, TRAVIS RICHARD HYMAS and SEASON HYMAS, for the purpose of executing and attempting to execute the scheme and artifice, did knowingly execute the scheme to defraud as to material matters, and to obtain moneys and property owned by or under the custody or control of said mortgage lenders, by means of material false and fraudulent pretenses, representations and promises, on the loans described below, in the following means and manner (the funding of said loan to be the execution of the scheme, as alleged in Counts Three through Six):

Count	Date	Lender	Amount of Loan	Borrower
One	6/2/2006	American Home Mortgage & subsequently sold to Wells Fargo Bank, N.A.	\$360,000	SEASON HYMAS
Two	6/2/2006	American Home Mortgage & subsequently sold to Wells Fargo Bank, N.A.	\$ 90,000	SEASON HYMAS
Three	12/8/2006	Aegis Wholesale Corporation	\$383,200	SEASON HYMAS
Four	12/8/2006	Aegis Wholesale Corporation	\$ 79,000	SEASON HYMAS

Five	2/28/2007	Taylor, Bean & Whitaker Mortgage	\$348,000	SEASON HYMAS
Six	3/27/2007	Mortgageit, Inc.	\$154,800	TRAVIS HYMAS

The following payments on said loan to be the execution of the scheme, as alleged in Counts one and two:

COUNT	DATE OF PAYMENT	AMOUNT OF PAYMENT	WIRE TRANSACTION
One	11/2/2006	\$2,779.42	Electronic Wire Payment from Home Federal Bank to GMAC Mortgage Corporation
Two	10/14/2006	\$789.81	Electronic Wire Payment from Home Federal Bank to GMAC Mortgage Corporation


All in violation of Title 18, United States Code, Section 1343.

DATED this 15th day of June, 2011.


A TRUE BILL

Foreperson (Signed on Reverse)

WENDY J. OLSON
United States Attorney



George W. Breitsameter
Assistant United States Attorney



Kenneth M. Robins
Special Assistant United States Attorney

CRIMINAL COVERSHEET

DEFENDANT'S NAME: Travis Richard Hymas	JUVENILE: No
DEFENSE ATTORNEY: Marcus R. Mumford Address: 15 W. South Temple, Suite 1000 Salt Lake City, Utah 84101 Telephone No.: (801) 542-9400	PUBLIC or SEALED: Public
INVESTIGATIVE AGENT: Rebekah E. Morse Telephone No.: (208) 344-7843 AGENCY: Federal Bureau of Investigation	SERVICE TYPE: Notice (Summons or Warrant or Notice (if Superseding))
	ISSUE: Yes
	INTERPRETER: N/A If YES, language: N/A

CASE INFORMATION (Miscellaneous, CVB, other related defendants/case numbers): **09-286-S-BLW**

RELATED COMPLAINT: No
Case Number: **N/A**

CRIMINAL CHARGING INFORMATION

CHARGING DOCUMENT: **Superseding Indictment**

Felony: **Yes**

County of Offense: **Ada**

Class A Misdemeanor: **No**

Estimated Trial Time: **5 days**

Class B or C Misdemeanor: **No**
(Petty Offense)

STATUTE (Title and Section(s))	COUNT/ FORFEITURE ALLEGATION	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1343	1-6	Wire Fraud	Each count: Incarceration for 20 years and/or \$250,000 fine, \$100 special assessment; 5 years supervised release

Date:

June 15, 2011

Assistant U.S. Attorney:
Special Assistant U.S. Attorney:

George W. Breitsameter
Kenneth M. Robins

Telephone No.:

(208) 334-1211

CRIMINAL COVERSHEET

DEFENDANT'S NAME: Season Hymas	JUVENILE: No
DEFENSE ATTORNEY: S. Richard Rubin Address: 702 West Idaho St., Suite 1000 Boise, Idaho 83702 Telephone No.: (208) 331-5500	PUBLIC <u>or</u> SEALED: Public
INVESTIGATIVE AGENT: Rebekah E. Morse Telephone No.: (208) 344-7843 AGENCY: Federal Bureau of Investigation	SERVICE TYPE: Notice (Summons or Warrant or Notice (if Superseding))
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CRIMINAL CHARGING INFORMATION**CHARGING DOCUMENT:** Superseding IndictmentFelony: YesCounty of Offense: AdaClass A Misdemeanor: NoEstimated Trial Time: 5 daysClass B or C Misdemeanor: No
(Petty Offense)

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Special Assistant U.S. Attorney:George W. Breitsameter
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