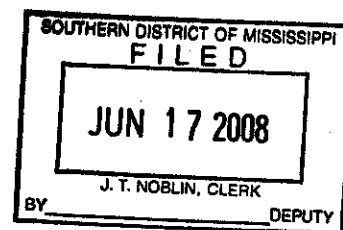


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

V.

CRIMINAL NO. *3:08cv88 DPT-JS*

JAMES WYNN THREATT

18 U.S.C. § 371
18 U.S.C. §1344

The United States Attorney charges:

At all times relevant to this information:

1. Defendant **JAMES WYNN THREATT** (hereinafter "**THREATT**") owned numerous properties and engaged in the business of selling properties to borrowers.

2. Defendant **THREATT** served as president of Wynn Properties, Inc., a corporation, in the business of general remodeling of residential property.

COUNT 1

3. Beginning in or about January, 2003 and continuing through March, 2006, in Hinds County in the Jackson Division of the Southern District of Mississippi, and elsewhere, the defendant, **JAMES WYNN THREATT**, did knowingly and willfully conspire, confederate, and agree together with others known and unknown to the United States Attorney, to commit the following offenses against the United States:

To knowingly execute or attempt to execute a scheme or artifice to defraud a financial institution, and to obtain any of the moneys, funds, credits, assets, securities or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises, in violation of Section 1344, Title 18, United States Code.

4. It was an object of the conspiracy that defendant **THREATT** and others would recruit persons to purchase residential properties as “investors” for the purpose of immediately leasing said properties to various tenants identified and selected by defendant **THREATT** and others.

5. To fund the acquisition of these properties, it was part of the conspiracy that defendant **THREATT** and others would obtain basic information from the prospective borrowers and thereafter assist them in preparing the loan application and supporting documents and in submitting the completed loan application package to lenders through direct contact with financial institutions and through mortgage brokers.

6. It was further an object of the conspiracy that defendant **THREATT** and others would make or cause to be made false entries on loan application forms which would be included in each loan application packet submitted by defendant **THREATT** and others to potential lenders in an effort induce them to fund the loans. The false information included, but was not limited to, information regarding the borrower’s income.

7. It was a part of the scheme that defendant **THREATT** and others would prepare false and fictitious documents to support the false information contained on the loan application and to insure that lenders would make mortgage loans to prospective borrowers. These documents included, but were not limited to, false documents verifying a borrower’s income. The false and fictitious documents, along with the loan application containing false information, would be included in each loan application packet submitted by defendant **THREATT** and others to potential lenders.

8. It was further a part of the scheme that defendant **THREATT** and others would falsely list that the borrower would provide cash at closing or had funds for the down payment on the loan application. Thereafter, defendant **THREATT** and others would cause false entries to be

made on HUD-1 settlement statements reflecting that the borrower paid cash at the closing of the loan when no such funds were paid by the borrower.

9. It was further a part of the conspiracy that Defendant **THREATT** and others would provide to various lenders real estate appraisals which falsely and fraudulently overstated the value of real property.

10. It was a part of the conspiracy that Defendant **THREATT** and others would fraudulently represent to the lender financial institutions and to title insurance companies associated with the loan transactions that the borrower held unencumbered title to the real property and that the lender consequently would receive a priority security interest in said property as collateral for the respective loan.

11. These misrepresentations were material to the funding decisions of the financial institutions and to the issuance of related title commitments and policies by title insurance companies. In support of these misrepresentations, defendant **THREATT** and others provided fraudulent title opinions and other documentation.

In furtherance of the unlawful conspiracy and in order to accomplish the objectives thereof, the following overt acts, among others, were committed:

12. On or about October 19, 2004, in furtherance of the scheme to obtain a loan from Bank Plus Bank, defendant **THREATT** and others known and unknown to the United States Attorney, provided to Bank Plus Bank fraudulent title opinion documents and other information concealing an existing deed of trust in favor of another lender concerning a parcel of real property commonly known as 113 Fredrica Avenue, Jackson, MS, which was tendered as collateral for the Bank Plus Bank loan under the guise of conveying to Bank Plus Bank a priority secured interest in said collateral.

13. On or about November 3, 2005, in furtherance of the scheme to obtain a loan from Bank Plus Bank, defendant **THREATT** and others known and unknown to the United States Attorney, provided to Bank Plus Bank fraudulent title opinion documents and other information concealing an existing deed of trust in favor of another lender concerning a parcel of real property commonly known as 1085 Jamison Road, Clinton, MS, which was tendered as collateral for the Bank Plus Bank loan under the guise of conveying to Bank Plus Bank a priority secured interest in said collateral.

14. On or about March 27, 2006, in furtherance of the scheme to obtain a loan from Bank Plus Bank, defendant **THREATT** and others known and unknown to the United States Attorney, provided to Bank Plus Bank fraudulent title opinion documents and other information concealing an existing deed of trust in favor of another lender concerning a parcel of real property commonly known as 3117 Ponderosa Drive, Jackson, MS, which was tendered as collateral for the Bank Plus Bank loan under the guise of conveying to Bank Plus Bank a priority secured interest in said collateral.

All in violation of Section 371, Title 18, United States Code.

COUNT 2

15. The allegations contained in paragraphs 1-2 and 4-14 of this indictment are hereby realleged and incorporated herein as if fully set forth in this paragraph.

16. Beginning in or about January, 2003 and continuing through March, 2006, in Hinds County in the Jackson Division of the Southern District of Mississippi, and elsewhere, the defendant, **JAMES WYNN THREATT** (hereafter "**THREATT**"), aided and abetted by others known and unknown to the United States Attorney, knowingly devised and executed a scheme and artifice to defraud various financial institutions and to obtain funds under the custody or control of

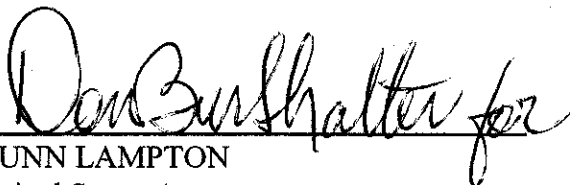
various financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation (FDIC), by means of materially false and fraudulent pretenses and representations, with intent to defraud the various FDIC insured institutions; to wit, defendant **THREATT**, and others would cause false and fraudulent documents and information to be provided to the various FDIC insured institutions to obtain loans for the purchase of real property.

It was further a part of the scheme and artifice to defraud that:

17. On or about the dates below, in furtherance of the scheme fraudulently to obtain loans from Bank Plus Bank, defendant **THREATT**, aided and abetted by others known and unknown to the United States, executed promissory notes and deeds of trust in favor of Bank Plus Bank purporting to convey a priority security interest in the parcels of real property identified below as collateral for the referenced loans, while concealing that defendant **THREATT** and others had already encumbered said property by deed of trust to another lender, as follows:

	<u>Date</u>	<u>Loan Number</u>	<u>Amount</u>	<u>Collateral</u>
a.	10/01/2004	#XXXXXXXXX4100	\$43,592.20	113 Fredrica Avenue Jackson, MS
b.	11/03/2005	#XXXXXXXXX6000	\$76,171.60	1085 Jamison Road Clinton, MS
c.	03/31/2006	#XXXXXXXXX0100	\$79,580.50	3117 Ponderosa Drive Jackson, MS

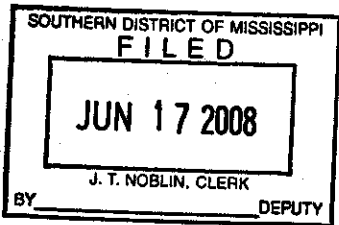
All in violation of Sections 1344, Title 18, United States Code.


DUNN LAMPTON
United States Attorney

CRIMINAL CASE COVER SHEET

U.S. District Court
PLACE OF OFFENSE:

3:08 CC 88 DPJ-JCS



CITY: JACKSON

COUNTY: HINDS

RELATED CASE INFORMATION:

SUPERSEDING INDICTMENT _____ DOCKET # _____
SAME DEFENDANT _____ NEW DEFENDANT _____
MAGISTRATE JUDGE CASE NUMBER _____
SEARCH WARRANT CASE NUMBER _____
R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: _____ YES NO

MATTER TO BE SEALED: _____ YES NO

NAME/ALIAS: JAMES WYNN THREATT

SEX M RACE _____ NATIONALITY: _____

U.S. ATTORNEY INFORMATION:

AUSA CARLA J. CLARK BAR # 9490

INTERPRETER: NO _____ YES LIST LANGUAGE AND/OR DIALECT: _____

LOCATION STATUS: ARREST DATE _____

____ ALREADY IN FEDERAL CUSTODY AS OF _____
____ ALREADY IN STATE CUSTODY
____ ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 2 _____ PETTY _____ MISDEMEANOR FELONY

(CLERK'S OFFICE USE ONLY) INDEX KEY/CODE DESCRIPTION OF OFFENSE CHARGED COUNT(S)

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1 <u>18:371.F</u>	<u>18 U.S.C. § 371</u>	<u>Conspiracy to Defraud the United States</u>	<u>1</u>
Set 2 <u>18:1344A.F</u>	<u>18 U.S.C. § 1344</u>	<u>Bank Fraud</u>	<u>2</u>
Set 3 _____	_____	_____	_____
Set 4 _____	_____	_____	_____

Date: 6/17/08

SIGNATURE OF AUSA: Carla J. Clark