

08-60298-100  
VITUNAC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**08-60298** Case No. **CR-HURLEY**

**MAGISTRATE JUDGE  
VITUNAC**

18 USC 371  
18 USC 1341  
18 USC 1343  
18 USC 1344  
18 USC 1014  
18 USC 4

**UNITED STATES OF AMERICA,**

v.

**PETER LOUIS AFFATATI, Sr.,**

**Defendant.**

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**INFORMATION**

The United States Attorney charges that:

**COUNT 1 - CONSPIRACY TO COMMIT MORTGAGE FRAUD**  
**(18 USC 371)**

1. From in or about September 2005, to in or about September 2007, in Broward, Palm Beach, St. Lucie, Dade, and Monroe Counties, all in the Southern District of Florida, and elsewhere, the defendant,

**PETER LOUIS AFFATATI, Sr.,**

did knowingly and willfully combine, conspire, confederate, and agree with others known to the United States Attorney to commit the following offenses against the United States, that is:

a) to knowingly and willfully devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing, and attempting to execute, such scheme and artifice to knowingly

cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343 (Wire Fraud);

b) to knowingly and willfully devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing, and attempting to execute, such scheme and artifice to knowingly cause to be delivered by the United States Postal Service and by commercial interstate carrier, according to the directions thereon, certain matters and things, in violation of Title 18, United States Code, Section 1341 (Mail Fraud);

c) to knowingly and willfully execute and attempt to execute a scheme and artifice to obtain moneys and funds under the custody and control of financial institutions, the accounts of which were insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344 (Bank Fraud); and

d) to knowingly and willfully making a material false statement to a financial institution the accounts of which were insured by the Federal Deposit Insurance Corporation, upon an application for a loan, specifically a mortgage application, in violation of Title 18, United States Code, Section 1014 (False Statement on Loan Application).

### **OBJECT OF THE CONSPIRACY**

The purpose and object of the conspiracy was as follows:

2. The defendant **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators sought to unlawfully enrich themselves by making material misrepresentations of fact on mortgage

applications to mortgage lenders to fraudulently cause the funding of mortgages, often wrongfully diverting a large portion of the funds to their own personal use.

**MANNER AND MEANS**

3. The manner and means by which the defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators sought to accomplish the objects of the conspiracy and the scheme and artifice to defraud included the following:

4. The defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators began to engage in the submission of misleading and fraudulent information to mortgage lenders as a means of gaining additional fraudulent income.

5. The defendant, **PETER LOUIS AFFATATI, Sr.**, utilized Assurance Title & Escrow of South Florida, Inc., (“Assurance Title”) as the primary conduit for providing the false information to mortgage lenders. Assurance Title was incorporated on or about February 26, 2001. On or about February 10, 2005, the defendant’s wife became the president of the company. Assurance Title’s principal place of business was 1515 North Federal Highway, Suite 305, Boca Raton, Florida. On or about March 9, 2005, the principle place of business changed to 2858 University Drive, Coral Springs, Florida.

6. The defendant, **PETER LOUIS AFFATATI, Sr.**, also utilized Universal Lending Corporation (“Universal”) as a means of providing false information to the mortgage lenders. The defendant’s wife was listed as an officer of Universal when it was incorporated on or about May 6, 2004. Universal listed a principle place of business as 5120 NW 123<sup>rd</sup> Avenue, Coral Springs, Florida, which thereafter changed to 1515 North Federal Highway, Suite 305, Boca Raton, Florida. At least by May 2006, the principal place of business changed to 2858 University Drive, Coral Springs, Florida, and listed the defendant’s wife as the president of the company.

7. The false material information being submitted to the mortgage lenders pertaining to loan applications for the purchase of residential properties consisted of such things as the submission of a false or “nominee” owner of the residential property to be purchased.

8. The false material information being submitted to the mortgage lenders also consisted of false verification of employment, deposit, and income information for the purported purchaser of the property.

9. The false material information being submitted to the mortgage lenders would also sometimes consist of the purported purchaser of the property falsely claiming the property to be his or her intended primary residence.

10. As a result of the submission of material false information to the mortgage lenders, the defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators would cause the interstate transmission of funds by the mortgage lenders.

**OVERT ACTS**

11. In furtherance of the conspiracy and to effect the object thereof, the following overt acts, among others, were committed , and caused to be committed, in the Southern District of Florida, and elsewhere, by the defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators :

OVERT ACT	APPROXIMATE DATE	AMOUNT	FRAUDULENTLY INDUCED TRANSMISSION OF FUNDS
1.	11/2/2005	\$699,083.00	Wire transfer from Countrywide Home Loans in Calabasas, CA to Madison Settlement Services in Hanover, PA, relating to the refinance of property located at 7272 NW 62 Terrace, Parkland, Florida, which was conceived of and orchestrated in the Southern District of Florida.

2.	11/2/2005	\$322,470.35	Wire transfer from Madison Settlement Services in Hanover, PA to Target One Marketing, Inc, acct. no. XXXXXXXXXXX3480 at Wachovia Bank, in the Southern District of Florida, relating to the refinance of property located at 7272 NW 62 Terrace, Parkland, Florida.
3.	9/27/2005	\$61,500.00	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Assurance Title & Escrow of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 1717 N. Bayshore Drive, Unit 1834, Miami, Florida.
4.	9/28/2005	\$486,128.52	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 1717 N. Bayshore Drive, Unit 1834, Miami, Florida.
5.	11/8/2005	\$951,807.82	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Equity Title of Nevada in Henderson, NV acct. no. XXXXXXXXXXX6416, at Silver State Bank in NV, relating to the sale of property located at 6 Brandermill Drive, Henderson, NV that was originated in the Southern District of Florida

6.	11/8/2005	\$120,000.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Equity Title of Nevada in Henderson, NV acct. no. XXXXXXXXXXX6416, at Silver State Bank in NV, relating to the sale of property located at 6 Brandermill Drive, Henderson, NV, which was conceived of and orchestrated in the Southern District of Florida.
7.	11/10/2005	\$1,042,987.42	Wire transfer from Equity Title of Nevada in Henderson, NV to Madison Settlement Services in Harrisburg, PA, acct. no. XXXXXXXXXXX5306 at M&T Bank in Harrisburg, PA relating to the sale of property located at 6 Brandermill Drive, Henderson, NV, which was conceived of and orchestrated in the Southern District of Florida.
8.	11/15/2005	\$70,000.00	Wire transfer from Madison Settlement Services and M&T Bank in Harrisburg, PA to Nicolandra Properties, Inc., acct. no. XXXXXXXXXXX5236 at Bank Atlantic in the Southern District of Florida relating to the sales proceeds of the sale of property located at 6 Brandermill Drive, Henderson, NV.
9.	11/15/2005	\$125,500.00	Wire transfer from Madison Settlement Services and M&T Bank in Harrisburg, PA to Target One Marketing, Inc., acct. no. XXXXXXXXXXX3480 at Wachovia Bank in the Southern District of Florida relating to the sales proceeds of the sale of property located at 6 Brandermill Drive, Henderson, NV.
10.	11/16/2005	\$331,312.21	Wire transfer from Madison Settlement Services in Harrisburg, PA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3626 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 6 Brandermill Drive, Henderson, NV.

11.	11/16/2005	\$331,312.21	A second wire transfer from Madison Settlement Services in Harrisburg, PA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3626 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 6 Brandermill Drive, Henderson, NV.
12.	11/16/2005	\$173,700.00	Wire transfer from Madison Settlement Services and M&T Bank in Harrisburg, PA to Platinum Marketing, Inc., acct. no. XXXXXXXXXXX9701 at Bank Atlantic in the Southern District of Florida relating to the sales proceeds of property located at 6 Brandermill Drive, Henderson, NV.
13.	11/9/2005	\$390,637.45	Wire transfer from Madison Settlement Services and M&T Bank in Harrisburg, PA to Mercedes Homes, Inc, acct. no. XXXXXXXXXXX3531 at Bank of America, relating to the sale of property at 1729 SW 44 Terrace, Cape Coral, Florida, that was originated in the Southern District of Florida.
14.	11/9/2005	\$49,631.00	Wire transfer from Madison Settlement Services and M&T Bank in Harrisburg, PA to Mercedes Homes, acct. no. XXXXXXXXXXX3531 at Bank of America, relating to the sale of property located at 1729 SW 44 Terrace Cape Coral, Florida, that was originated in the Southern District of Florida
15.	11/29/2005	\$567,169.46	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Assurance Title & Escrow Services of South Florida, acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 1729 SW 44 Terrace, Cape Coral, Florida.

16.	12/13/2005	\$303,942.36	Wire transfer from Finance America, LLC in Irvine, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 547 SW Ryan Avenue, Port St. Lucie, Florida.
17.	12/15/2005	\$1,235,665.10	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Paone & Associates in N.Y., N.Y., acct. no. XXXXXXXXXXX8865 at JP Morgan Chase Bank relating to the sale of property located at 155 Chardonnay Drive, East Quogue, N.Y., which purchase originated in the Southern District of Florida.
18.	12/15/2005	\$156,390.00	Wire transfer from Countrywide Home Loans, Inc in Calabasas, CA to Paone & Associates in N.Y., N.Y., acct. no. XXXXXXXXXXX8865 at JP Morgan Chase Bank relating to the sale of property located at 155 Chardonnay Drive, East Quogue, N.Y., which purchase originated in the Southern District of Florida.
19.	12/22/2005	\$304,000.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic in the Southern District of Florida, relating to the purchase of property located at 5875 NW Hahn Avenue, Port St. Lucie, Florida.
20.	12/22/2005	\$38,000.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic in the Southern District of Florida, relating to the purchase of property located at 5875 NW Hahn Avenue, Port St. Lucie, Florida

21.	12/30/2005	\$261,248.19	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct no. XXXXXXXXXXX3531 at Bank Atlantic in the Southern District of Florida relating to the purchase of property located at 1102 Bellevue Avenue, Port St. Lucie, Florida
22.	12/30/2005	\$64,265.96	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic in the Southern District of Florida relating to the purchase of property located at 1102 Bellevue Avenue, Port St. Lucie, Florida
23.	1/30/2006	\$135,274.02	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct.no. XXXXXXXXXXX3531 at Bank Atlantic in the Southern District of Florida, relating to the sale of property located at 4165 NW 90 Avenue, Unit 204, Coral Springs, Florida.
24.	1/30/2006	\$33,281.08	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct.no. XXXXXXXX3531 at Bank Atlantic in the Southern District of Florida, relating to the sale of property located at 4165 NW 90 Avenue, Unit 204, Coral Springs, Florida.
25.	1/30/2006	\$503,109.44	Wire transfer from IndyMac Bank in Pasadena, CA to Dennis R. Bedard, P.A., acct.no. XXXXXXXXXXX8209 at Bank of America in the Southern District of Florida relating to the sale of property located at 1717 North Bayshore Drive, Unit 1834, Miami, Florida.

26.	1/30/2006	\$62,000.00	Wire transfer from IndyMac Bank in Pasadena, CA to Dennis R. Bedard, P.A., acct.no.XXXXXXXXXX8209 at Bank of America in the Southern District of Florida relating to the sale of property located at 1717 North Bayshore Drive, Unit 1834, Miami, Florida.
27.	2/17/2006	\$305,411.40	Wire transfer from Lime Financial in Lake Oswego, OR to Assurance Title & Escrow Services of South Florida, Inc., acct.no. XXXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida relating to the sale of property located at 10728 Shady Pond Lane, Boca Raton, Florida.
28.	2/17/2006	\$75,566.13	Wire transfer from Lime Financial in Lake Oswego, OR to Assurance Title & Escrow Services of South Florida, Inc., acct no. XXXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida relating to the sale of property located at 10728 Shady Pond Lane, Boca Raton, Florida.
29.	2/22/2006	\$636,162.00	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 10940 NW 78 Place, Coral Springs, Florida.
30.	3/10/2006	\$386,575.80	Wire transfer from Fremont Investment & Loan in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 2721 NW 21 Terrace, Cape Coral, Florida

31.	3/31/2006	\$242,499.57	Wire transfer from Countrywide Home Loans, Inc. in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 210 NW 38 Place, Pompano Beach, Florida
32.	3/31/2006	\$47,250.00	Wire transfer from Countrywide Home Loans, Inc. in Brea, CA to Assurance Title & Escrow Services of South Florida, Inc., acct. no. XXXXXXXXXXX3531 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 210 NW 38 Place, Pompano Beach, Florida
33.	6/22/2006	\$232,818.29	Wire transfer from First Magnus Financial Corp. in Tucson, AZ to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, in the Southern District of Florida relating to the sale of property located at 2808 NE 3 Avenue, Cape Coral, Florida.
34.	6/22/2006	\$57,492.08	Wire transfer from First Magnus Financial Corp. in Tucson, AZ to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, in the Southern District of Florida relating to the sale of property located at 2808 NE 3 Avenue, Cape Coral, Florida.
35.	6/22/2006	\$600,000.72	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, relating to the sale of property located at 1729 SW 44 Terrace, Cape Coral, Florida.

36.	6/22/2006	\$150,000.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, relating to the sale of property located at 1729 SW 44 Terrace, Cape Coral, Florida
37.	7/11/2006	\$ 683,991.99	Wire transfer from Lehman Brothers Bank, FSB in Wilmington, DE to Octavio E. Mestre trust acct., acct. no. XXXXXXXXXXX7273, at City National Bank of Florida, in the Southern District of Florida relating to the sale of property located at 7000 Island Blvd., Unit 704, Aventura, Florida.
38.	8/1/2006	\$409,847.62	Wire transfer from Waterstone Investments, LLC in Miami, Florida to Sandy Benjamin Becher, P.A., acct. no. XXXXXXXXXXX4163 at City National Bank of Florida, in the Southern District of Florida, relating to the sale of property located at 7000 Island Blvd., Unit 704, Aventura, Florida.
39.	7/13/2006	\$458,199.18	Wire transfer from Long Beach Mortgage in Stockton, CA to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, in the Southern District of Florida., relating to the sale of property located at 12843 North 165th Road, Jupiter, Florida.
40.	7/13/2006	\$112,052.90	Wire transfer from Long Beach Mortgage in Stockton, CA to Octavio E. Mestre, trust acct., acct. no. XXXXXXXXXXX7273 at City National Bank of Florida, in the Southern District of Florida., relating to the sale of property located at 12843 North 165th Road, Jupiter, Florida.

41.	7/17/2006	\$561,380.75	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Title & Escrow Network in Pompano Beach, Florida, acct. no. XXXXXXXXXXX1470 at Regions Bank, in the Southern District of Florida, relating to the sale of property located at 5038 NW 119 Terrace, Coral Springs, Florida.
42.	7/17/2006	\$68,840.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Title & Escrow Network in Pompano Beach, Florida, acct. no. XXXXXXXXXXX1470 at Regions Bank, in the Southern District of Florida, relating to the sale of property located at 5038 NW 119 Terrace, Coral Springs, Florida.
43.	7/25/2006	\$307,601.06	Wire transfer from People's Choice Home Loans, Inc. in Irvine, CA to Century Home Title, acct no. XXXXXXXXXXX0520 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 12632 Buckland Street, Wellington, Florida.
44.	7/25/2006	\$75,353.48	Wire transfer from People's Choice Home Loans, Inc. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX0520 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 12632 Buckland Street, Wellington, Florida
45.	7/26/2006	\$316,875.24	Wire transfer from Argent Mortgage Company, LLC in Orange, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX0520, at Bank of America, in the Southern District of Florida relating to the sale of property located at 13634 Exotica Lane, Wellington, Florida.

46.	7/26/2006	\$77,896.56	Wire transfer from Argent Mortgage Company, LLC in Orange, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXXX0520 at Bank of America in the Southern District of Florida, relating to the sale of property located at 12334 Exotica Lane, Wellington, Florida.
47.	8/15/2006	\$421,492.75	Wire transfer from Long Beach Mortgage Company in Stockton, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXXX0520 at Bank of America in the Southern District of Florida, relating to the sale of property located at 12274 Orange Blvd., West Palm Beach, Florida.
48.	8/15/2006	\$105,161.33	Wire transfer from Long Beach Mortgage Company in Stockton, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXXX0520 at Bank of America in the Southern District of Florida, relating to the sale of property located at 12274 Orange Blvd., West Palm Beach, Florida.
49.	9/29/2006	\$203,583.22	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Corporate Title, Inc., acct. no. XXXXXXXXXXXX1429 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 22303 Timberly Drive, Boca Raton, Florida.
50.	9/29/2006	\$40,246.88	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Corporate Title, Inc., acct. no. XXXXXXXXXXXX1429 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 22303 Timberly Drive, Boca Raton, Florida.

51.	10/5/2006	\$485,348.60	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Universal Title Agency, Inc., acct. no. XXXXXXXXXXX5828 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5570 NW 38 Terrace, Coconut Creek, Florida.
52.	10/5/2006	\$118,557.99	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Universal Title Agency, Inc., acct. no. XXXXXXXXXXX5828 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5570 NW 38 Terrace, Coconut Creek, Florida.
53.	10/6/2006	\$516,570.10	Wire transfer from WMC Mortgage Corp. in Burbank, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5352 NW 126 Drive, Coral Springs, Florida.
54.	10/6/2006	\$128,589.25	Wire transfer from WMC Mortgage Corp. in Burbank, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5352 NW 126 Drive, Coral Springs, Florida.
55.	10/26/2006	\$800,098.58	Wire transfer from Countrywide Home Loans, Inc., in Calabasas CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 4811 Bayview Drive, Fort Lauderdale, Florida.

56.	10/26/2006	\$230,000.00	Wire transfer from Countrywide Home Loans, Inc., in Calabasas, CA to acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 4811 Bayview Drive, Fort Lauderdale, Florida
57.	10/30/2006	\$508,681.60	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America., in the Southern District of Florida, relating to the sale of property located at 12274 Orange Blvd., West Palm Beach, Florida.
58.	10/30/2006	\$124,920.20	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 12274 Orange Blvd., West Palm Beach, Florida
59.	11/17/2006	\$516,193.49	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 600 Park Place, West Palm Beach, Florida.
60.	11/17/2006	\$127,335.64	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 600 Park Place, West Palm Beach, Florida.

61.	11/22/2006	\$604,560.53	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 3912 South Ocean Blvd., Unit 205, Highland Beach, Florida.
62.	11/22/2006	\$148,236.60	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 3912 South Ocean Blvd., Unit 205, Highland Beach, Florida.
63.	12/7/2006	\$176,404.33	Wire transfer from Chase Home Finance in N.Y. to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 517, Pembroke Pines, Florida.
64.	12/7/2006	\$43,627.00	Wire transfer from Chase Home Finance in N.Y. to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 517, Pembroke Pines, Florida.
65.	12/7/2006	\$175,962.82	Wire transfer from Chase Home Finance in N.Y. to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 528, Pembroke Pines, Florida.

66.	12/7/2006	\$43,627.00	Wire transfer from Chase Home Finance in N.Y. to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 528, Pembroke Pines, Florida.
67.	12/13/2006	\$771,003.56	Wire transfer from IndyMac bank in Pasadena, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 2660 SE 13 Court, Pompano Beach, Florida.
68.	12/13/2006	\$191,822.00	Wire transfer from City National Bank in Cleveland, OH to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 2660 SE 13 Court, Pompano Beach, Florida.
69.	12/22/2006	\$585,173.69	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale property located at 100 SE 5 Avenue, Unit 210, Boca Raton, Florida.
70.	12/22/2006	\$74,934.34	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale property located at 100 SE 5 Avenue, Unit 210, Boca Raton, Florida.

71.	12/29/2006	\$952,896.27	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 4821 Bayview Drive, Fort Lauderdale, Florida.
72.	12/29/2006	\$118,310.60	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Century Home Title, Inc., acct. no. XXXXXXXXXXX8722 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 4821 Bayview Drive, Fort Lauderdale, Florida.
73.	1/16/2007	\$185,182.24	Wire transfer from First Franklin Financial Corp., in Cleveland, OH to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 522, Pembroke Pines, Florida.
74.	1/16/2007	\$48,385.31	Wire transfer from First Franklin Financial Corp. in Cleveland, OH to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2051 NW 81 Avenue, Unit 522, Pembroke Pines, Florida
75.	1/23/2007	\$182,722.93	Wire transfer from Long Beach Mortgage Company in Anaheim, CA to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2061 NW 81 Avenue, Unit 613, Pembroke Pines, Florida.

76.	1/23/2007	\$45,568.30	Wire transfer from Long Beach Mortgage Company in Anaheim, CA to Stein, Rosenberg, & Stein, P.A., acct. no. XXXXXXXXXXX4931 at Northern Trust Bank, in the Southern District of Florida, relating to the sale of property located at 2061 NW 81 Avenue, Unit 613, Pembroke Pines, Florida.
77.	2/22/2007	\$987,802.67	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Authorized Title & Escrow, Inc., acct. no. XXXXXXXXXXX9282 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5741 Bayview Drive, Fort Lauderdale, Florida.
78.	2/22/2007	\$209,713.56	Wire transfer from New Century Mortgage Corp. in Irvine, CA to Authorized Title & Escrow, Inc., acct. no. XXXXXXXXXXX9282 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 5741 Bayview Drive, Fort Lauderdale, Florida
79.	3/12/2007	\$1,633,628.07	Wire transfer from American Home Mortgage Company in Melville, N.Y. to Marchhausen & Fitzpatrick, P.C. in N.Y., acct. no. XXXXXXXXXXX9253 at Citi Bank, relating to the sale of property located at 155 Chardonnay Drive, East Quogue, N.Y., which was conceived of and orchestrated in the Southern District of Florida.

80.	3/12/2007	\$400,000.00	Wire transfer from City National Bank in Cleveland, OH to Marchhausen & Fitzpatrick, P.C. in N.Y., acct. no. XXXXXXXXXXX9253 at Citi Bank, relating to the sale of property located at 155 Chardonnay Drive, East Quogue, N.Y., which was conceived of and orchestrated in the Southern District of Florida.
81.	5/21/2007	\$1,372,746.44	Wire transfer from Chase Home Finance in N.Y. to Equititle, LLC, acct. no. XXXXXXXXXXX8911 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 2948 NE 23 Avenue, Lighthouse Point, Florida.
82.	5/17/2007	\$497,419.50	Wire transfer from Chase Home Finance in Chicago, IL to Equititle, LLC, acct. no. XXXXXXXXXXX8911 at Bank of America, in the Southern District of Florida, relating to the sale of property located at 2948 NE 23 Avenue, Lighthouse Point, Florida.
83.	6/13/2007	\$255,708.65	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Equititle, LLC, acct. no. XXXXXXXXXXX8911, in the Southern District of Florida, relating to the sale of property located at 7320 NW 62 Terrace, Parkland, Florida.
84.	6/13/2007	\$48,750.00	Wire transfer from Countrywide Home Loans, Inc. in Calabasas, CA to Equititle, LLC, acct. no. XXXXXXXXXXX8911, in the Southern District of Florida, relating to the sale of property located at 7320 NW 62 Terrace, Parkland, Florida.

85.	7/3/2007	\$1,058,003.00	Wire transfer from Chase Home Finance in N.Y. to The Allison Firm, P.A., acct. no. XXXXXXXXX2402 at Orion Bank, in the Southern District of Florida, relating to the sale of property located at 12399 Overseas Highway, Unit 12, Marathon, Florida.
86.	7/2/2007	\$213,454.50	Wire transfer from Chase Home Finance in N.Y. to The Allison Firm, P.A., acct. no. XXXXXXXXX2402 at Orion Bank, in the Southern District of Florida, relating to the sale of property located at 12399 Overseas Highway, Unit 12, Marathon, Florida.
87.	8/8/2007	\$958,707.37	Wire transfer from Chase Home Finance in N.Y. to The Allison Firm, P.A., acct. no. XXXXXXXXX2402 at Orion Bank, in the Southern District of Florida, relating to the sale of property located at 11600 1st Avenue, Unit 23, Marathon, Florida
88.	8/7/2007	\$371,169.50	Wire transfer from Chase Home Finance in N.Y. to The Allison Firm, P.A., acct. no. XXXXXXXXX2402 at Orion Bank, in the Southern District of Florida, relating to the sale of property located at 11600 1st Avenue, Unit 23, Marathon, Florida
89.	9/14/2007	\$467,083.17	Wire transfer from Met West Commercial Lender, Inc. in Coral Gables, Florida, via the Federal Reserve Bank in N.Y. to Colonial Title Guaranty, acct. no. XXXXXXXXX9036, in the Southern District of Florida, relating to the sale of property located at 620 SW 7 Street, Pompano Beach, Florida.

12. In total, the defendant, **PETER LOUIS AFFATATI, Sr.**, caused to be provided fraudulent and fictitious documents to secure mortgages on over 50 residential properties in the amount of over \$40 million.

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

**COUNT 2 - CONSPIRACY TO COMMIT INVESTMENT FRAUD**  
**(18 USC 371)**

13. In or about December, 2005, in Broward and Palm Beach Counties, all in the Southern District of Florida, and elsewhere, the defendant,

**PETER LOUIS AFFATATI, Sr.,**

did knowingly and willfully combine, conspire, confederate, and agree with others known to the United States Attorney to commit the following offenses:

- a) knowingly and willfully devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing, and attempting to execute, such scheme and artifice to knowingly cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343 (Wire Fraud); and
- b) knowingly and willfully devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing, and attempting to execute, such scheme and artifice to knowingly cause to be delivered by the United States Postal Service and by commercial interstate carrier,

according to the directions thereon, certain matters and things, in violation of Title 18, United States Code, Section 1341 (Mail Fraud).

#### **OBJECT OF THE CONSPIRACY**

The purpose and object of the conspiracy was as follows:

14. The defendant **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators sought to unlawfully enrich themselves by making material misrepresentations of fact to a victim with the initials BBS, located in North Carolina, to induce him to wire funds supposedly to be invested in fictitious securities and other fraudulent investments.

#### **MANNER AND MEANS**

15. The manner and means by which the defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators sought to accomplish the objects of the conspiracy and the scheme and artifice to defraud included the following:

16. The defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators utilized Target One Marketing, Inc. which had been incorporated or about October 11, 2004, with a place of business located at 12346 NW 52<sup>nd</sup> Court, Coral Springs, Florida. The defendant was listed as the president of the company.

17. The defendant, **PETER LOUIS AFFATATI, Sr.**, would telephonically contact victim BBS and make fraudulent statements to him concerning the purchase of fictitious securities and other fraudulent investments.

18. The defendant, **PETER LOUIS AFFATATI, Sr.**, would send to BBS via U.S. Mail and Federal Express fictitious and fraudulent documents purportedly indicating that BBS' funds had been invested in the fictitious securities and other fraudulent investments, when in truth and

fact, BBS' funds had been wrongfully taken by **PETER LOUIS AFFATATI Sr.**, and his co-conspirators.

**OVERT ACTS**

19. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of Florida, and elsewhere, by the defendant, **PETER LOUIS AFFATATI, Sr.**, and his co-conspirators :

OVERT ACT	DATE	AMOUNT	WIRE TRANSFER
1.	12/13/05	\$100,000.00	From BBS' bank account in N.C., to the Target One Marketing account, acct. no. xxxxxxxxx3480, at Wachovia Bank, in the Southern District of Florida.
2.	12/16/05	\$150,000.00	From BBS' bank account in N.C., to the Target One Marketing account, acct. no. xxxxxxxxx3480, at Wachovia Bank, in the Southern District of Florida.
3.	12/20/05	\$50,000.00	From BBS' account in N.C., to the Target One Marketing account, acct. no. xxxxxxxxx3480, at Wachovia Bank, in the Southern District of Florida.
4.	12/30/05	\$90,000.00	From BBS' account in N.C., to the Target One Marketing account, acct. no. xxxxxxxxx3480, at Wachovia Bank, in the Southern District of Florida.

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

**COUNT 3 - MISPRISION OF A FELONY**

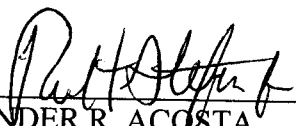
(18 USC 4)

20. Beginning in or about December 2005, and continuing until on or about January 25, 2007, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**PETER LOUIS AFFATATI, Sr.,**

having knowledge of the actual commission of a felony cognizable by a court of the United States, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, did knowingly and willfully conceal and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

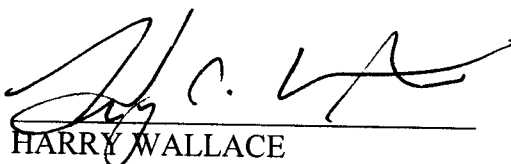
All in violation of Title 18, United States Code, Section 4.



ALEXANDER R. ACOSTA  
UNITED STATES ATTORNEY



STEVEN R. PETRI  
ASSISTANT UNITED STATES ATTORNEY



HARRY WALLACE  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

CERTIFICATE OF TRIAL ATTORNEY\*

PETER LOUIS AFFATATI, Sr.,

Defendant.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

\_\_\_\_\_ Miami \_\_\_\_\_ Key West  
X FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)


Has a complaint been filed in this matter? (Yes or No) No

If yes:  
Magistrate Case No. \_\_\_\_\_  
Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? \_\_\_\_\_ Yes X No

*for*   
HARRY C. WALLACE, JR.  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 0623946

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PETER LOUIS AFFATATI, Sr.

Case No:

Count #1: Conspiracy to Commit Wire Fraud, Mail Fraud, Bank Fraud and Mortgage Fraud

Title 18, United States Codes, Sections 1343, 1341, 1344, 1014 and 371

\* Max. Penalty: 5 years' imprisonment, 3 years' supervised release and \$250,000 fine

Count #2: Conspiracy to Commit Wire Fraud and Mail Fraud

Title 18, United States Code, Sections 1343, 1341 and 371

\*Max. Penalty: 5 years' imprisonment, 3 years' supervised release and \$250,000 fine

Count #3 : Misprision of a Felony

Title 18, United States Code, Section 4

\*Max. Penalty: 3 years' imprisonment, 1 year supervised release and \$250,000 fine

Count #:

\*Max. Penalty:

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.**