

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED

2009 AUG -5 PM 4:13

US DISTRICT COURT
MIDDLE DISTRICT OF FL
ORLANDO, FLORIDA

UNITED STATES OF AMERICA

v.

EDWIN M. LUGO-ABREU

CASE NO. 6:09-cr-146-ORL-35-KRS
18 U.S.C. § 1343
18 U.S.C. § 1341
18 U.S.C. § 982(a)(2)(A) - Forfeiture

INDICTMENT

The Grand Jury charges:

A. Introduction

At all times material to this Indictment:

1. E-Loan and WMC Mortgage Corporation were California based financial businesses engaged in mortgage financing and refinancing. The Lending Group Inc., was a Florida based financial business engaged in mortgage financing and refinancing.
2. One of the methods accepted by E-Loan to apply for mortgage financing or refinancing was the submission of an electronic application via the internet.
3. One of the methods accepted by WMC Mortgage Corporation and The Lending Group Inc. to apply for mortgage financing or refinancing was the submission of mail applications.

COUNTS ONE AND TWO

4. The allegations contained in paragraphs 1 through 3 of this Indictment are hereby realleged and incorporated herein by reference.

A. Scheme and Artifice

5. Beginning on or about a date unknown, but not later than November 2004,

and continuing until about the end of June 2006, in Orange and Osceola Counties, Florida, in the Middle District of Florida, and elsewhere,

EDWIN M. LUGO-ABREU

the defendant herein, knowingly and willfully devised and intended to devise a scheme and artifice to defraud E-Loan, The Lending Group Inc., and WMC Mortgage Corporation, of money and property, and for obtaining money and property of E-Loan, The Lending Group Inc., and WMC Mortgage Corporation, by means of false and fraudulent pretenses, representations, and promises, the substance of which scheme and artifice to defraud is described more fully below.

B. Manner and Means

6. It was a part of the scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses that **EDWIN M. LUGO-ABREU** would unlawfully execute a scheme and artifice to defraud E-LOAN, The Lending Group Inc., and WMC Mortgage Corporation, out of money, funds, assets and property belonging to E-LOAN, The Lending Group Inc., and WMC Mortgage Corporation, through the submission of a false, fictitious, and fraudulent applications for mortgage financing.

7. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did fraudulently transfer to himself title to real estate properties located in Orange and Osceola Counties.

8. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did identify real estate property owned free and clear by an

absentee owner.

9. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did cause the filing and recording of fraudulent quit claim deeds purporting to be from the true owners of real estate property in Orange and Osceola Counties.

10. It was a further part of the scheme and artifice to defraud that from on or about November 3, 2004, to on or about June 2, 2006, **EDWIN M. LUGO-ABREU** and others not charged in this Indictment, would and did cause the filing and recording in Osceola County of a fraudulent quit claim deed for 8518 Blue Horizon Court, Kissimmee, Florida and 2906 Sunset Retreat, Kissimmee, Florida.

11. It was a further part of the scheme and artifice to defraud that from on or about November 3, 2004, to on or about June 2, 2006, **EDWIN M. LUGO-ABREU** and others not charged in this Indictment, would and did cause the filing and recording in Orange County of a fraudulent quit claim deed for 3713 Merryweather Drive, Orlando, Florida.

12. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** did submit and caused to be submitted on-line applications for mortgage loans for the properties that had been fraudulently transferred.

13. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did use the proceeds of fraudulently obtained mortgage loans for personal gain.

14. It was a further part of the scheme and artifice to defraud that **EDWIN M.**

LUGO-ABREU would and did cause some of the proceeds of the mortgage loans to be transferred to accounts under his control.

15. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did submit interstate transmissions via wire through the internet for fraudulent mortgage applications.

16. It was a further part of the scheme and artifice to defraud that **EDWIN M. LUGO-ABREU** would and did submit via the mail fraudulent mortgage applications.

C. Wires

17. On or about the dates listed, in Orange and Osceola Counties, Florida, in the Middle District of Florida, and elsewhere,

EDWIN M. LUGO-ABREU

the defendant herein, aided and abetted by others not charged in this Indictment, for the purpose of executing the aforesaid scheme and artifice to defraud, did knowingly transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, a writing, sign, signal, picture, and sound, specifically, an interstate transmission via the internet of mortgage loan applications from the Middle District of Florida as described below:

COUNT	DATE OF TRANSMISSION	TYPE OF LOAN	LENDER	APPLICATION FORM
One	February 3, 2005	Mortgage	E-Loan	Internet
Two	June 17, 2005	Mortgage	E-Loan	Internet

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS THREE AND FOUR

18. The allegations contained in paragraphs 1 through 17 of this Indictment are hereby realleged and incorporated herein by reference.

A. Scheme and Artifice

19. Beginning on or about a date unknown to the Grand Jury, but not later than November 12, 2004, and continuing until on or about a date unknown to the Grand Jury, to on or about the end of May 17, 2006, in Orange and Osceola Counties, Florida, in the Middle District of Florida, and elsewhere,

EDWIN M. LUGO-ABREU

the defendant herein, aided and abetted by other persons not charged in this Indictment, knowingly and willfully devised and intended to devise a scheme and artifice to defraud Mortgage Lenders, and for obtaining money and property of said Mortgage Lenders by means of false and fraudulent pretenses, representations, and promises, the substance of which scheme and artifice to defraud is described more fully below.

B. Manner and Means

20. The substance of the scheme and artifice to defraud and its manner and means are set forth in paragraphs 6 through 16 of this Indictment, the allegations of which are repeated and realleged as if fully set forth herein.

C. Mailings

21. On or about the dates set forth below, in Orange and Osceola Counties, Florida, in the Middle District of Florida, and elsewhere,

EDWIN M. LUGO-ABREU

the defendant herein, aided and abetted by other persons not charged in this Indictment, having devised the above-described scheme and artifice to defraud, and for the purpose of executing and attempting to execute the scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, did knowingly take and receive and cause to be taken and received from the United States mail (Postal Service) and did knowingly cause to be delivered by United States mail (Postal Service) according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, the following items:

COUNT	DATE	ADDRESSEE	Mailing
Three	May 17, 2006	The Lending Group, Inc.	Mortgage Application
Four	November 12, 2004	WMC Mortgage Corporation	Mortgage Application

All in violation of Title 18, United States Code, Section 1341 and 2.

FORFEITURE

1. The allegations contained in Counts One through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982.

2. From his engagement in the violations alleged in Counts One through Four of this Indictment,

EDWIN M. LUGO-ABREU

the defendant herein, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2), all of his interest in any property constituting, or

derived from, proceeds obtained directly or indirectly as a result of the said violation.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided


without difficulty, the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL,

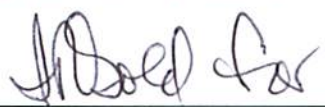

Foreperson

A. BRIAN ALBRITTON
United States Attorney

By:


Carlos A. Perez-Irizarry
Assistant United States Attorney

By:


Roger B. Handberg
Assistant United States Attorney
Chief, Orlando Division

No.

UNITED STATES DISTRICT COURT

Middle District of Florida
Orlando Division

THE UNITED STATES OF AMERICA

vs.

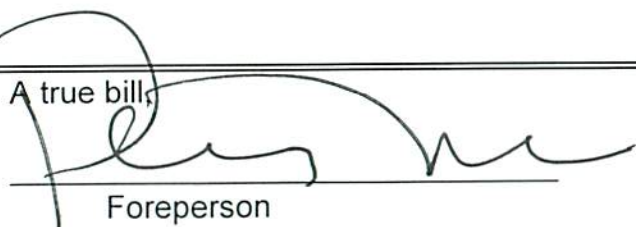
EDWIN M. LUGO-ABREU

INDICTMENT

Violations:

18 U.S.C. §§ 1343 and 1341

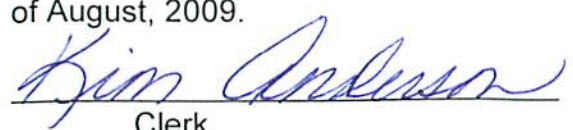
A true bill,



Foreperson

Filed in open court this 5th day

of August, 2009.



Clerk

Bail \$