

**SEALED**

**FILED**

JUL 14 2011

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                       
DEPUTY CLERK

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) CASE NO. 2:11cr296 WBS  
12 )  
Plaintiff, )  
13 v. ) VIOLATION: 18 U.S.C. § 1349 -  
14 ) Conspiracy to Commit Wire  
MOCTEZUMA TOVAR, ) Fraud; 18 U.S.C. § 981(a)(1)(C)  
15 ) & 28 U.S.C. § 2461(c) -  
MANUEL HERRERA, ) Criminal Forfeiture  
16 )  
RUBEN RODRIGUEZ, )  
17 )  
JAIME MAYORGA, )  
SANDRA HERMOSILLO, )  
18 )  
JUN MICHAEL DIRAIN, and )  
CHRISTIAN PARADA RENTERIA, )  
19 )  
Defendants. )

20 I N D I C T M E N T

21 The Grand Jury charges:

22 MOCTEZUMA TOVAR,  
23 MANUEL HERRERA,  
RUBEN RODRIGUEZ,  
24 JAIME MAYORGA,  
SANDRA HERMOSILLO,  
25 JUN MICHAEL DIRAIN, and  
CHRISTIAN PARADA RENTERIA,

26 defendants herein, as follows,

27 I. INTRODUCTION

28 At all times relevant to this Indictment:

1 1. Defendant MOCTEZUMA TOVAR was a real estate salesperson  
2 licensed by the State of California and the founder and owner of Delta  
3 Homes and Lending, Inc. (hereinafter "Delta Homes"). Defendant  
4 MOCTEZUMA TOVAR resided in Sacramento, California.

5 2. Delta Homes was incorporated in California on or about  
6 October 14, 2003, and operated as a real estate and mortgage loan  
7 company. Delta Homes maintained offices in Sacramento and Woodland,  
8 California.

9 3. Defendant MANUEL HERRERA was a real estate salesperson  
10 licensed in the State of California and a loan officer at Delta Homes.  
11 Defendant MANUEL HERRERA resided in Sacramento, California.

12 4. Defendant RUBEN RODRIGUEZ was a real estate salesperson  
13 licensed in the State of California and a loan officer at Delta Homes.  
14 Defendant RUBEN RODRIGUEZ resided in Sacramento, California.

15 5. Defendant JAIME MAYORGA was a real estate salesperson  
16 licensed in the State of California and a loan officer at Delta Homes.  
17 Defendant JAIME MAYORGA resided in West Sacramento and Woodland,  
18 California.

19 6. Defendant SANDRA HERMOSILLO was a loan officer at Delta  
20 Homes and a resident of Woodland, California.

21 7. Defendant JUN MICHAEL DIRAIN was a loan processor at Delta  
22 Homes and a resident of Antelope, California.

23 8. Defendant CHRISTIAN PARADA RENTERIA was a loan officer at  
24 Delta Homes and a resident of Sacramento, California.

25 II. CONSPIRACY TO COMMIT WIRE FRAUD

26 9. From no later than in or about October 2004 and continuing  
27 to in or about May 2007, in the State and Eastern District of  
28 California, defendants MOCTEZUMA TOVAR, MANUEL HERRERA, RUBEN

1 RODRIGUEZ, JAIME MAYORGA, SANDRA HERMOSILLO, JUN MICHAEL DIRAIN, and  
2 CHRISTIAN PARADA RENTERIA and others, did knowingly combine, conspire,  
3 confederate, and agree with each other and with others unknown to the  
4 Grand Jury to execute through the use of the wires in interstate and  
5 foreign commerce a material scheme and artifice to defraud, and to  
6 obtain money by means of material false and fraudulent pretenses,  
7 representations and promises, in violation of Title 18, United States  
8 Code, Section 1343.

9 10. The object of the conspiracy was to obtain residential home  
10 loans from mortgage lenders based upon false and fraudulent loan  
11 applications and supporting documents in order for the defendants to  
12 obtain commissions and bonuses for themselves upon closing of the  
13 transactions.

14 11. Between October 2004 and May 2007, through various  
15 fraudulent acts set forth below, the defendants and others caused  
16 various mortgage lenders to issue approximately 31 residential home  
17 loans for the purchase and refinance of real property. The aggregate  
18 sales price of these homes was in excess of \$10 million. As a result  
19 of the defendants' actions, mortgage lenders and others suffered  
20 losses of at least \$4 million.

21 III. MANNER AND MEANS

22 12. It was part of the conspiracy that defendants TOVAR,  
23 HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, and PARADA, knowing  
24 that prospective home buyers would not otherwise qualify for a home  
25 loan, submitted fraudulent mortgage loan applications and supporting  
26 documents, which falsely represented the borrowers' assets and income,  
27 liabilities and debts, employment status, citizenship status, and  
28 intent to occupy the property as a primary residence.

1 13. It was a further part of the conspiracy that defendants  
2 TOVAR, HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, and PARADA  
3 submitted fraudulent supporting documents to lenders, including: (1)  
4 letters falsely representing the financial and employment status of  
5 the borrower, (2) false verifications of rent, and (3) fraudulent  
6 verifications of deposit.

7 14. It was a further part of the conspiracy that defendants  
8 TOVAR, HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, and PARADA  
9 provided money to borrowers in order to fraudulently inflate the  
10 borrowers' assets and bank account balances.

11 15. It was a further part of the conspiracy that after  
12 defendants TOVAR, HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, and  
13 PARADA secured an approved loan based on the fraudulent bank account  
14 balances, the borrowers returned to the defendants the money that had  
15 been used to fraudulently inflate their assets and their bank account  
16 balances.

17 16. It was a further part of the conspiracy that after the  
18 lenders approved the fraudulent loan applications, defendants TOVAR,  
19 HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, and PARADA used, or  
20 caused to be used, wire transmissions to obtain home loans for Delta  
21 Homes' clients and money for themselves upon closing of the  
22 transactions.

23 17. Between October 2004 and May 2007, defendants TOVAR,  
24 HERRERA, RODRIGUEZ, MAYORGA, HERMOSILLO, DIRAIN, PARADA, and others,  
25 prepared, caused to be prepared, submitted, and caused to be submitted  
26 to the lenders, materially false and fraudulent loan applications and  
27 supporting documents for the following residential real properties in  
28 the State and Eastern District of California:

Date Loan Issued	Address
10/5/04	7630 Community Drive, Citrus Heights, CA
10/24/05	3084 Rosemont Drive, Sacramento, CA
11/1/05	4113 Ramsey Drive, North Highlands, CA
11/22/05	2711 Norwood Avenue, Sacramento, CA
1/27/06	116 Duranta Street, Roseville, CA
2/6/06	300 Loretto Drive, Roseville, CA
2/21/06	1032 Enwood Road, Roseville, CA
3/7/06	4036 Clarewood Way, Sacramento, CA
8/7/06	6310 Calvine Road, Sacramento, CA
8/16/06	550 Thomas Street, Woodland, CA
8/24/06	5719 Vista Avenue, Sacramento, CA
9/11/06	7405 Auburn Oaks Street, #A, Citrus Heights, CA
10/3/06	6440 Lake Park Drive, Sacramento, CA
11/17/06	7630 Community Drive, Citrus Heights, CA
1/26/07	1032 Enwood Road, Roseville, CA
5/17/07	7495 21st Street, Sacramento, CA
5/17/07	780 Reuter Drive, West Sacramento, CA

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

**FORFEITURE ALLEGATION:** [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) - Criminal Forfeiture]

1. Upon conviction of the offense alleged in this Indictment, defendants MOCTEZUMA TOVAR, MANUEL HERRERA, RUBEN RODRIGUEZ, JAIME MAYORGA, SANDRA HERMOSILLO, JUN MICHAEL DIRAIN, and CHRISTIAN PARADA RENTERIA shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, which constitutes or is derived from proceeds traceable to such violation, including but not limited to:

1 a. A sum of money equal to the amount of proceeds obtained  
2 as a result of the offense, for which defendants are convicted.

3 2. If any property subject to forfeiture, as a result of the  
4 offense alleged in this Indictment:

5 (a) cannot be located upon the exercise of due diligence;

6 (b) has been transferred or sold to, or deposited with, a  
7 third party;

8 (c) has been placed beyond the jurisdiction of the court;

9 (d) has been substantially diminished in value; or

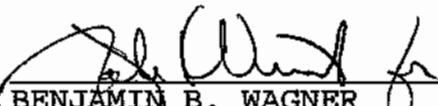
10 (e) has been commingled with other property which cannot be  
11 divided without difficulty;

12 it is the intent of the United States, pursuant to 28 U.S.C. §  
13 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any  
14 other property of said defendants up to the value of the property  
15 subject to forfeiture.

16 A TRUE BILL.

17 **/s/ Signature on file w/AUSA**

18 \_\_\_\_\_  
19 FOREPERSON

20   
21 BENJAMIN B. WAGNER  
22 United States Attorney  
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27  
28

# UNITED STATES DISTRICT COURT

*Eastern District of California*

*Criminal Division*

THE UNITED STATES OF AMERICA

vs.

MONCTEZUMA TOVAR, MANUEL HERRERA, RUBEN RODRIGUEZ, JAIME  
MAYORGA, SANDRA HEROSILLO, JUN MICHAEL DIRAIN, and  
CHRISTIAN PARADA RENTERIA

## INDICTMENT

**VIOLATION(S):** 18 U.S.C. § 1349 - Conspiracy to Commit Wire  
Fraud; 18 U.S.C. § 982(a)(1)(A) - Criminal Forfeiture

A true bill,

*15/*

Foreman.

Filed in open court this 14 day

of July, A.D. 20 11

*[Signature]*  
Clerk.

Defendants Tovar, Herrera, Rodriguez, Mayorga, Herosillo &  
Bail, \$ Dicaia

**WARRANT: NO BAIL PENDING HEARING**

~~Defendant Renteria - Summons to Issue, Bail to be determined at hearing.~~

*Jale A. Jorg*

**PENALTY SLIP**

**MOCTEZUMA TOVAR, MANUEL HERRERA, RUBEN RODRIGUEZ, JAIME MAYORGA,  
SANDRA HERMOSILLO, JUN MICHAEL DIRAIN and CHRISTIAN PARADA RENTERIA**

**VIOLATION:** 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud  
**PENALTY:** 30 Years Imprisonment,  
\$1,000,000 Fine, or both;  
3 Years TSR

**FORFEITURE**  
**ALLEGATION:** 18 U.S.C. § 982(a)(2)(A) - Criminal Forfeiture  
**PENALTY:** As stated in the Indictment

**COURT**  
**ASSESSMENT:** \$100 each count