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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

APR 24 2009

ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA

CRIMINAL INFORMATION

v.

NO. 1:09-CR-205-JTC

MARK ANTHONY MCBRIDE,
a/k/a Charles Conley,
a/k/a Charles Conley, Jr.,
a/k/a Manuel Evans,

FACTUAL BASIS FOR GUILTY PLEA

The United States of America, by David E. Nahmias, United States Attorney, and Gale McKenzie, Assistant United States Attorney, for the Northern District of Georgia, file this Factual Basis for McBride's guilty plea to the above styled criminal information which charges a January 2001 to September 2009 conspiracy to commit bank, mail and wire fraud and a May 2008 bankruptcy:

(1) **Mark McBride Mortgage Loans:** Between March 2001 and November 2002, McBride fraudulently obtained mortgage loans on 10 residential properties in the Northern District of Georgia (NDGA) using inflated property values and false qualifying information, and received "kickbacks" of up to \$50,000 per property with the assistance of seller and mortgage broker conspirators. At least one of the mortgage loans was obtained while McBride was on voluntary surrender status for a supervised release

revocation in a previous case. Victim lenders include IndyMac Bank, Chase Manhattan Bank, Deutsche Bank, Irvin Union Bank & Trust, and FlagStar Bank.

(2) **Mark McBride Vehicle Loans, Lines of Credit (LOC) and Credit Cards:**

Between January 2001 and August 2008, McBride fraudulently obtained at least 23 extensions of credit from banks and lenders by providing false income, employment, and other qualifying information. Victim lenders include Bank of America (BOA), 1st National Bank, American Express Centurian Bank, Household Bank, 1st Tennessee Bank, 1st Security Bank, 1st City National Bank and Chase Manhattan Bank, as well as a number of vehicle credit companies.

(3) **Charles Conley Mortgage Loans:** Between August 2006 and January 2008, McBride fraudulently obtained 10 mortgage loans secured by ^{sm two} ~~three~~ inflated properties, on which as many as six loans were secured by a single property; sometimes without repaying the prior loans secured by that property. Victim lenders include CitiBank, BOA, GMAC Mortgage, Equity One, and Quicken Loans.

Having ruined his credit by failing to repay the dozens of McBride mortgage loans and other extensions of credit, McBride illegally changed his name from McBride to Charles Conley on December 10, 2003, by falsely certifying that he resided in Jefferson County, AL, where his girlfriend filed a name-change petition. In fact, at the time he unlawfully changed his name to Charles Conley, McBride was in a federal prison in Estill, SC. In August 2004 and after "changing" his name to Charles Conley, McBride obtained a GA drivers license in the name of Mark Anthony McBride. This was also done while McBride was still in federal prison. In December 2006, McBride obtained a

GA drivers license in the name of Charles Conley. The real Charles Conley was a prominent Alabama jurist.

Also while in federal prison, McBride recruited unqualified straw borrowers, and had property quit claimed to his new Charles Conley identity so he could obtain a GA drivers license in his new Conley identity and go to closings on fraudulent mortgage loans as soon as he was transferred to a halfway house.

McBride also created new credit files in the McBride and Conley names by using the same social security number, but different name variations and addresses. McBride knew that the credit bureaus initially checked via name and address, then social security number, so if the first two did not cross reference, multiple files could be created under the same social security number. McBride later obtained a merchant account so he could add fake "good credit" to his new Conley credit file, to the credit histories of the straw borrowers, and to others who paid him to do so.

(4) **Charles Conley Vehicle Loans, LOC and Credit Cards:** Between March and October 2007, McBride obtained vehicles, from an older Mercedes to a 2008 Chevrolet Avalanche, and dozens of credit cards and LOC, in his fraudulent Conley identity. McBride used multiple shell companies, as well as false employment, income and other qualifying information verified by conspirators, to obtain the extensions of credit. Victim lenders include GE Money Bank, BOA, Capital One Bank, CitiBank, Household Bank and Wells Fargo Bank.

(5) **Charles Conley, Jr. Credit Cards:** In January 2008, after utilizing available credit under the fraudulent Charles Conley identity, McBride obtained a GA drivers license in the name of Charles Conley, Jr., and paired the Charles Conley, Jr., name

with the stolen SSN of a deceased woman, to fraudulently acquire a credit card from Capital One Bank. McBride was arrested before the closing of any Charles Conley, Jr., mortgage loans.

(6) **Charles Conley Bankruptcy Filing:** On May 8, 2008, in the NDGA, McBride filed a personal bankruptcy petition using the Charles Conley name, and a stolen SSN assigned to a real person. McBride filed the bankruptcy petition to stay foreclosure on the multiple Conley mortgage loans and prevent or delay the collection of the dozens of Conley credit card, vehicle loan and LOC debts he had incurred. In addition to using a fraudulent name and stolen SSN to file the 2008 bankruptcy petition, McBride made additional false representations on the petition when he denied "filing a bankruptcy case in the past," when in fact, he had filed seven prior bankruptcy cases in GA, AL and SC under his Mark McBride name and his true SSN, except for one case when he used a variation of his McBride SSN.

(7) **Credit cards, LOC, Vehicle Loans and Mortgages in the Stolen Identity of McBride's Minor Children:** Both before and after his childrens' majority, McBride used the stolen names and SSNs of his son, Mark Anthony McBride II, and his daughter, Deltonya McBride, to obtain extensions of credit for his use and benefit. For example, McBride obtained a \$44,000 loan for a Cadillac Escalade in his daughter's name and hid the vehicle at a girlfriend's house in AL so it could not be repossessed when the loan was not repaid. Thereafter, his girlfriend sold the car for \$26,000 and she and McBride shared the proceeds. McBride's daughter did not discover the fraudulent loans in her name until she applied for a student loan for college. McBride's son discovered his credit had been ruined during the investigation of this case. McBride's

son has since enlisted in the military. While the daughter has managed to remove the bad credit from her reports, the son has not and his potential for advancement in the military is compromised due to the limited security clearance available to those with bad credit. Victim lenders include Well Fargo Bank, Credit One Bank, CitiBank, GE Money Bank, Net Bank, Household Bank and SunTrust Bank, as well as various vehicle credit companies.

(8) **Manuel Evans Mortgage and Credit Card Loans:** On July 28, 2008, having destroyed the credit of his children, his own McBride credit and the Conley and Conley, Jr. credit, McBride illegally changed his name from Charles Conley to Manuel Evans. Again, this was done in Jefferson County, AL, by falsely certifying he was then a resident of that county when, in fact, he resided in the NDGA and was under supervised release. The very next day, on July 29, 2008, McBride obtained both a GA identification card in the name Charles Conley and a GA drivers license in the name Manuel Evans, using a different address for each identity.

Thereafter, McBride paired the Evans name with the stolen SSN of Manuel Evans, a minor child, to fraudulently obtain credit cards from WAMU Bank and Capital One Bank, while at the same time he continued to acquire additional credit cards by pairing the Charles Conley, Jr. name with a stolen SSN. McBride had already established another shell company to verify fraudulent Manuel Evans employment and income.

When arrested in September 2008, McBride had in his possession fraudulent credit cards in the names of Manuel Evans, Charles Conley, and Charles Conley, Jr.

McBride also had a state issued identification card in the name of Charles Conley and a drivers licenses in the name of Manuel Evans.

(9) **Adrian McBride Mortgage Loans and Credit Cards:** Between September 2006 and January 2007, and with the assistance of Omni loan officers, McBride recruited his mother, Adrian McBride, to become a straw borrower to purchase two Omni National Bank foreclosed properties (OREOs) and assume the Omni mortgage loan of another straw borrower, all with Omni funding based on false employment, income and other qualifying information. In addition, McBride arranged for his mother to obtain another property with a fraudulent mortgage loan from EquiFirst, which included a kickback to McBride from loan proceeds. A fraudulent second mortgage from BOA was obtained on one of these properties. Finally, McBride arranged for another girlfriend to pretend to be his mother, Adrian, to obtain credit cards in her name from Household Bank and GE Money Bank, and to add McBride as a an authorized user on the accounts.

(10) **Tremata Sheena Anthony Mortgage Loans, LOC and Credit Cards:** In or about June 2008, Tremata Sheena Anthony approached McBride to become a straw borrower/"investor." At her request McBride assisted her to attempt to obtain mortgage loans and lines of credit secured by five properties in the NDGA. With McBride's assistance, Anthony closed on a fraudulent loan from Regions Bank and attempted to close on a fraudulent loan from SunTrust Bank. McBride met Anthony, who was then unemployed, through a prison contact. He then provided a shell company to Anthony to confirm false information and documentation concerning Anthony's employment and income to apply for mortgage loans on the properties. McBride arranged for the seller

to quit claim two properties to Anthony so she could obtain refi loans/equity lines of credit without having to make a down payment. McBride was supposed to give the seller, who had paid only \$25,500 for one of the properties (Lanvale Drive) shortly before he transferred title to Anthony, about \$60,000 from the \$100,000 equity loan Anthony fraudulently obtained from Regions Bank. McBride was to receive \$5,000 from the loan proceeds, with Anthony keeping the remainder. Instead, McBride opened a SunTrust account in the name of the seller's business, and deposited the seller's \$60,000 cut into the account, which was controlled by McBride. Thereafter, McBride had Anthony apply for a \$50,000 equity line of credit from SunTrust bank on the same property (Lanvale Drive) by using the same fraudulent employment and income information supplied to Regions Bank. SunTrust did not fund the equity line of credit when the supporting Anthony documentation supplied by McBride was discovered to be false.

Anthony was also pre-approved for a \$75,000 Ditech loan on the second property (Greymont Drive) titled to Anthony, for which the seller had only paid \$22,000. Anthony had used similar false qualifying information to that provided by McBride for her Regions loan and SunTrust attempt. When SunTrust discovered the scheme and notified everyone, Ditech did not fund this loan. Later, McBride forged Anthony's signature on a fraudulent warranty deed to transfer ownership of the second property (Graymont Drive) to ~~one of his~~ ^{one of his} shell companies ^{by his co-conspirator} so he would own it "free and clear;" thereby again double crossing conspirators on the second property titled to Anthony as well as the first property.

The intended victim lenders on the other three Anthony/McBride attempts included Wells Fargo Bank and BOA with the loans to average \$120,000 secured by properties which had been acquired for about \$22,000 to \$25,000.

McBride also provided false qualifying information for Anthony to acquire BOA, Chase and SunTrust credit cards.

(11) **Bernadette Clement Mortgage Loans and Credit Cards**: In 2006, while still in federal prison, McBride recruited Bernadette Clement to become a straw borrower/"investor" in Atlanta properties. McBride met Clement through Clement's brother, who served time in prison with McBride. McBride filled out fraudulent mortgage loan applications for five properties purchased by Clement between September 2006 and March 2007. McBride attended all the closings of properties and used a Power of Attorney to close on one loan without Clement being present. McBride worked with Omni loan officers to arrange Omni funding for Clement to purchase three distressed properties which McBride was to rehab. The other two fraudulent Clement mortgage loans were funded by GMAC Mortgage, Homecomings Financial and Lehman Brothers Bank. McBride received proceeds from the loans on the properties, although, according to Clement, he did not complete all of the rehab on the properties or find permanent tenants to pay the mortgages as he had promised Clement. The fraudulent loans obtained from Clement ranged between about \$100,000 to \$200,000 each.

In addition, McBride provided false qualifying information to Clements for her to obtain credit cards in Clement's identity from JP Morgan Chase Manhattan Bank, GE Money Bank, First Equity, American Express Centurian Bank and CitiBank.

(12) **Additional Omni-Funded Straw Borrowers**: McBride and his conspirators assisted other unqualified out-of-state straw borrowers who received Omni funding though the assistance of Omni loan officers. McBride began recruiting straw borrowers while still in prison and later, while on supervised release, used his prison contacts to locate straw borrowers, including James Butler, Alex Hendry, Matthew Hanks and Deon Jefferson. The Omni properties were acquired for substantially less than the loan amounts with both McBride and the straw borrowers receiving a portion of the loan proceeds. McBride received about \$130,000 from these Omni funded loans.

(13) **Additional Elements**: The above named banks were FDIC insured during this conspiracy. The mails and interstate wire communications were used in furtherance of the scheme to defraud for the submission of fraudulent credit applications and supporting documentation, transmission of credit approvals and the transfer of loan proceeds from lenders to closing attorneys.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsel of record in this case a copy of the foregoing document by hand delivery.

This 24th day of April 2009.

A handwritten signature in black ink, appearing to read "Gale McKenzie". The signature is written in a cursive style with a large initial "G".

GALE MCKENZIE
ASSISTANT UNITED STATES ATTORNEY