

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	No. CR 09-60169-HD
)	
Plaintiff,)	<u>INDICTMENT</u>
)	
v.)	[18 U.S.C. §§ 1014, 1344, and 2]
)	
TERESA AUSBROOKS,)	False Statement on Loan
)	Application
Defendant.)	Bank Fraud

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. TERESA AUSBROOKS, hereinafter referred to AUSBROOKS, is a resident of Bend, Oregon.
2. In or about June 2007, AUSBROOKS sought a construction loan from Columbia River Bank to build a home in Sisters, Oregon, as part of a real estate investment program offered by Desert Sun Development, Inc. ("DSD"). As part of that program, AUSBROOKS agreed to purchase the lot for her house from DSD's holding company, Desert Sun Holdings,

LLC, (“DSH”) and use DSD as her general contractor. Once her home was built and sold, AUSBROOKS agreed to split any profit, less any costs and expenses paid for by DSD, with DSD.

3. Desert Sun Development, Inc., (“DSD”), was a commercial and residential development and construction company located in Bend, Oregon.

4. Tyler Fitzsimons was president of DSD.

5. Columbia River Bank is a financial institution for purposes of 18 U.S.C. §§ 1014 and 1344.

COUNT ONE

(Bank Fraud)

6. Paragraphs 1-5 of the Introductory Allegations are incorporated herein.

SCHEME AND ARTIFICE TO DEFRAUD

7. From on or about June 2007, and continuing through September 2008, in the District of Oregon, defendant AUSBROOKS knowingly devised and intended to devise a scheme and artifice to defraud as to material matters and to obtain monies and funds owned and under the custody and control of Columbia River Bank by means of material false and fraudulent pretenses, representations, promises, and omissions.

8. It was part of the scheme that AUSBROOKS signed and submitted a fraudulent home loan application to Columbia River Bank. In that application, AUSBROOKS falsely stated that her monthly income was approximately \$13,000, and failed to accurately report all of her liabilities, including a debt owed to Tyler Fitzsimons. Relying, in part, on the fraudulent home loan application, Columbia River Bank approved AUSBROOKS’s construction loan for

\$454,321. While Columbia River Bank provided over \$300,000 to DSH and DSD for the purchase of the lot and the construction of the house, no home was ever built, resulting in a loss to Columbia River Bank.

EXECUTIONS OF THE SCHEME AND ARTIFICE TO DEFRAUD

9. On or about July 9, 2007, in the District of Oregon, defendant AUSBROOKS, for purposes of executing and attempting to execute a material scheme to defraud and to obtain monies and funds owned and under the custody and control of Columbia River Bank by means of material false and fraudulent pretenses, representations, promises, and omissions, knowingly signed and caused the submission of a fraudulent home loan application to Columbia River Bank.

All in violation of 18 U.S.C. §§ 1344 and 2.

COUNT TWO

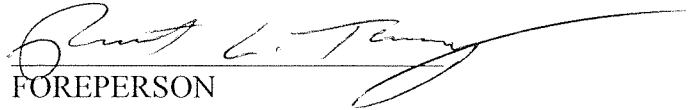
(False Statement on Loan Application)

10. Paragraphs 1-5 of the Introductory Allegations are incorporated herein.

11. On or about July 9, 2007, in the District of Oregon, defendant AUSBROOKS made false statements and reports for the purpose of influencing the action of Columbia River Bank, an FDIC insured financial institution, in connection with an application, advance, commitment, and loan, and any change and extension of any of the same, in that defendant AUSBROOKS knowingly signed and caused the submission of a fraudulent home loan application to Columbia River Bank.

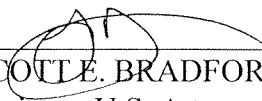
All in violation of 18 U.S.C. §§ 1014 and 2.

DATED this 19 day of November 2009.


FOREPERSON

Presented by:

KENT S. ROBINSON
Acting United States Attorney


SCOTT E. BRADFORD
Assistant U.S. Attorney