

3730

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

PROBABLE CAUSE ARREST WARRANT AND AFFIDAVIT IN SUPPORT THEREOF

(AFFIDAVIT)

Your affiant, is employed as a Special Agent for the California Department of Justice, Bureau of Investigation and has attached hereto and incorporated by reference official reports, records of a law enforcement agency and attached signed Search Warrant Affidavit. These reports were prepared by law enforcement officers and contain factual information and statements obtained from victims, witnesses and others which establish the commission of the following criminal offense(s): Penal Code Sections 182 P.C. (conspiracy), 487 P.C. (grand theft), 602 P.C. (trespassing), 459 P.C. (Residential Burglary), 115 P.C. (Filing False Documents), and 470 P.C. (Forgery) and Revenue and Taxation Code Sections 19705 and 19706 (Filing a False Tax Return).

Based on my training and experience, and the facts set forth in the attached declaration in support of Search Warrant and Arrest Warrant, I conclude there is probable cause to believe that during the time period commencing on or about April 1, 2000 to the present. Suspects Jesus Duran AGUAYO AKA: Jesus DURAN and Sofia AGUAYO have engaged in a real estate fraud scheme where they arranged and transferred real properties by recording false Quit Claim Deeds and false Grant Deeds, commonly known as Wild Deeds, in the County of Los Angeles in order to fraudulently acquire ownership of those properties.

By the following persons: Jesus Duran AGUAYO AKA: Jesus Duran and Sofia AGUAYO WHEREFORE, your affiant prays that a warrant of arrest be issued for said person.



(ARREST WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE: proof by the accompanying and incorporated affidavit having been made before me by

I find probable cause to believe that the therein described criminal offense(s) was/were committed by the below named and described person. Wherefore, you are commanded forthwith to arrest said person before any magistrate in Los Angeles County, or in lieu of, you may release said person from custody prior to the time limitation of Penal Code Section 825 without bail or appearance before a magistrate.

The arrestee may also be released on bail in the amount of \$ 1,400,000 for each defendant. This warrant may be executed any time during the 10 calendar days following it's issuance. RDM

PERSONS TO BE ARRESTED

Name and AKA's: Jesus Duran AGUAYO AKAs: Jesus DURAN, Jesus AGUAYO						
Sex: Male	Race: Hispanic	D.O.B.:	Height: 5'8"	Weight: 145lbs.	Hair: Black	Eyes: Brown
Scars, Marks, Tattoos: Unknown						
Vehicle Yr:	Make:	Model:	License No:	State: CA		
Residence Address: [REDACTED]						
Add'l Residence Address: [REDACTED]						
CII No:		Other Numbers:				

Name and AKA's: Sofia AGUAYO						
Sex: Female	Race: Hispanic	D.O.B.: [REDACTED]	Height: 5'2"	Weight: 150lbs.	Hair: Black	Eyes: Brown
Scars, Marks, Tattoos: Unknown						
Vehicle Yr: [REDACTED]	Make: [REDACTED]	Model: [REDACTED]		License No: [REDACTED]	State: CA	
Residence Address: [REDACTED]						
Add'l Residence Address: [REDACTED]						
CII No: [REDACTED]		Other Numbers: [REDACTED]				

The affidavit in support of this arrest warrant is incorporated herein and was sworn to and subscribed before me this 16th day of October, 2006, at 8:50 AM/P.M. Wherefore, I find probable cause for the issuance of this arrest warrant and do issue it.

Stephen Marcus
(Signature of Magistrate)

STEPHEN MARCUS
(Typed or printed name of Magistrate)

Judge of the Superior/Municipal Court, LOS ANGELES Judicial District.



1 **BILL LOCKYER**
Attorney General of the State of California
18 **MARY E. HACKENBRACHT**
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19 **DIANA CALLAGHAN, State Bar No. 132460**
Deputy Attorney General
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24 Attorneys for The People of the State of California

25
26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
27 **FOR THE COUNTY OF LOS ANGELES**
28

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JESUS DURAN AGUAYO a/k/a JESUS DURAN
a/k/a JESUS AGUYAO and SOFIA AGUAYO

Defendants.

**ORDER PROHIBITING
DEFENDANTS' RELEASE
UNTIL THE SOURCE OF
BAIL HAS BEEN EXAMINED
(Penal Code section 1275.1)**

TO: The Sheriff of Los Angeles County or any Peace Officer who should take custody
of the defendant **JESUS DURAN AGUAYO a/k/a JESUS DURAN a/k/a JESUS AGUYAO**
and SOFIA AGUAYO :

The People, having shown good cause for ordering an examination of the source of bail
proffered for the defendants' release,

IT IS ORDERED that:

(1) Bail shall not be accepted for defendant **JESUS DURAN AGUAYO a/k/a JESUS**

1 **DURAN a/k/a JESUS AGUYAO and SOFIA AGUAYO** nor shall he be released from
18 custody, until further order of the court;

19 (2) In the event bail is proffered for any defendant, you are ordered to bring such
20 defendant to the court in which the case is pending, at which time a hearing to examine the
21 source of the proffered bail will be scheduled and then conducted pursuant to Penal Code section
22 1275.1, such hearing to also determine the source of any collateral pledged by said defendant to
23 any person or entity posting bail on his behalf.

24 (3) A copy of this Order is to be placed in the custody package of defendants **JESUS**
25 **DURAN AGUAYO a/k/a JESUS DURAN a/k/a JESUS AGUYAO and SOFIA AGUAYO**
26 and a copy is to be given to each defendant.

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28

SIGNED this 16th day of October 2006


Judge of the Superior Court

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1 **BILL LOCKYER**
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

12 Plaintiffs,

13 v.

14 **JESUS DURAN AGUAYO a/k/a JESUS DURAN**
15 **a/k/a JESUS AGUYAO and SOFIA AGUAYO**

16 Defendants .

Case No.

**PEOPLE'S EX PARTE
MOTION TO EXAMINE
SOURCE OF BAIL**

17 The People move pursuant to Penal Code section 1275.1 for an order in the form of the
18 attached proposed Order prohibiting defendants **JESUS DURAN AGUAYO a/k/a JESUS**
19 **DURAN a/k/a JESUS AGUYAO and SOFIA AGUAYO** release until the source of any
20 proffered bail, or collateral pledged, has been examined and found not to have been feloniously
21 obtained.

22 The *ex parte* motion is based on this Motion, on the attached Memorandum of Points and
23 Authorities, on the attached Declaration in Support of Motion, on the Declaration in Support of

24 ////

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1 Arrest, and on all of the papers and records on file in this case.

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3 Dated: October 13, 2006

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Respectfully submitted,

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BILL LOCKYER
Attorney General of the State of California

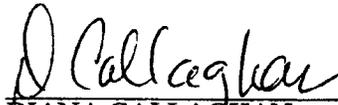
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MARY E. HACKENBRACHT
Senior Assistant Attorney General

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DIANA CALLAGHAN
Deputy Attorney General

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 **PEOPLE OF THE STATE OF CALIFORNIA ,**

12 Plaintiff ,

13 v.

14 **JESUS DURAN AGUAYO a/k/a JESUS DURAN**
15 **a/k/a JESUS AGUYAO and SOFIA AGUAYO**

16 Defendants .
17

Case No.

**POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO
EXAMINE SOURCE OF BAIL**

18 **The People of the State of California** submit the following points and authorities in support of
19 their motion:

20 Penal Code section 1275.1(a) provides in relevant part:

21 "Bail. . . shall not be accepted unless the judge or magistrate finds that no
22 portion of consideration, pledge, security, deposit, or indemnification paid,
23 given, made, or promised for its execution was feloniously obtained."

24 Defendants are husband and wife. Jesus Aguayo is a licensed real estate broker and Sofia
25 Aguayo is a licensed real estate agent. For a period exceeding five years they have been involved
26 in a complex real estate fraud scheme. In some instances they locate homes in which back taxes
27 are owed. They scope out the residences to determine whether or not the home is occupied. If it
28 appears that the residence is unoccupied they pay the back taxes and file wild quit claim deeds

POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO EXAMINE SOURCE OF BAIL

1 transferring the property between themselves with no permission from the owner. Thereafter,
2 they put fences around the property and make any needed repairs. They then rent the houses and
3 keep the money for themselves. On at least one occasion they forged documents to obtain
4 possession of property. They then file suit to quiet title and obtain the properties by adverse
5 possession. A long term Attorney General investigation revealed that defendants have attempted
6 to perpetrate this scheme on approximately 100 occasions.

7 While committing their fraud scheme they have committed a variety of felonies including
8 grand theft in violation of Penal Code section 487, Residential Burglary in violation of Penal
9 Code section 459, Forgery in violation Penal Code section 470, Filing False Documents in
10 violation of Penal Code section 115 and Filing a False tax return in violation of Revenue and
11 Taxation Code section 19705 and conspiracy to commit all of the above in violation of Penal
12 Code section 182.

13 By the use of a sophisticated and organized criminal techniques, defendants have defrauded
14 numerous individuals of their homes resulting in a loss of real and personal property in excess of
15 \$5,000,000. Defendants

16 **JESUS DURAN AGUAYO a/k/a JESUS DURAN a/k/a JESUS AGUYAO and SOFIA**
17 **AGUAYO** have been engaged in this fraudulent conduct for many years. The funds received as
18 a result of their fraudulent activities supplies the vast majority of their income.

19 It is, therefore, likely that any bail proffered on defendants, **JESUS DURAN AGUAYO**
20 **a/k/a JESUS DURAN a/k/a JESUS AGUYAO and SOFIA AGUAYO**, behalf will have been
21 feloniously obtained. These defendants worked in concert to steal more than \$5,000,000 over the
22 course of the investigation and substantially more throughout their criminal careers. The People
23 believe that if no order pursuant to Penal Code section 1275.1 is in place, these defendants will
24 use their ill-gotten gains as the source of any bail proffered in this case.

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11 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

12 Plaintiff.

13 v.

14 **JESUS DURAN AGUAYO a/k/a JESUS DURAN**
a/k/a JESUS AGUYAO and SOFIA AGUAYO

15 Defendants.
16

**DECLARATION IN SUPPORT
OF MOTION TO EXAMINE
SOURCE OF BAIL**

17 The undersigned hereby declares:

18 1. I am an attorney licensed in the State of California and a Deputy Attorney General
assigned to the investigation and prosecution of the instant case.

19 2. A lengthy investigation has revealed the following about **JESUS DURAN AGUAYO**
20 **a/k/a JESUS DURAN a/k/a JESUS AGUYAO and SOFIA AGUAYO:**

21 3. Defendants are husband and wife.

22 4. Jesus Aguayo is a licensed real estate broker and Sofia Aguayo is a licensed real estate
23 agent.

24 5. For a period exceeding five years they have been involved in a complex real estate fraud
25 scheme. In some instances they locate homes in which back taxes are owed. They scope out the
26 residences to determine whether or not the home is occupied. If it appears that the residence is
27 unoccupied they pay the back taxes and file wild quit claim deeds transferring the property
28

DECLARATION IN SUPPORT OF MOTION TO EXAMINE SOURCE OF BAIL

1 between themselves with no permission from the owner. Thereafter, they put fences around the
2 property and make any needed repairs. They then rent the houses and keep the money for
3 themselves.

4 6. On at least one occasion they forged documents to obtain possession of property.

5 7. They then file suit to quiet title and obtain the properties by adverse possession. A long
6 term Attorney General investigation revealed that defendants have attempted to perpetrate this
7 scheme on approximately 100 occasions.

8 8. While committing their fraud scheme they have committed a variety of felonies
9 including grand theft in violation of Penal Code section 487, Residential Burglary in violation of
10 Penal Code section 459, Forgery in violation Penal Code section 470, Filing False Documents in
11 violation of Penal Code section 115 and Filing a False tax return in violation of Revenue and
12 Taxation Code section 19705 and conspiracy to commit the aforementioned in violation of Penal
13 Code section 182.

14 9. Each of the defendants in the instant case conspired together to defraud and did in fact
15 defraud individuals of their real and personal property. Given the approximately 100 times this
16 scheme has been perpetrated it is estimated that the loss exceeds \$5,000,000.

17 10. Because of the large amount of fraud and the sophisticated nature of the organization it
18 is the People's belief that funds derived from their illegal activities may be proffered as bail in
19 the instant matter.

20
21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th
22 day of October 2006 in Los Angeles, California.

23
24 
25 Diana Callaghan
26 Deputy Attorney General
27
28

SW No.

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

I, swears under oath that the facts expressed by him in this Search Warrant and Affidavit and in the attached and incorporated Statement of Probable Cause are true and that based thereon he has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: YES {} NO{X}

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by , that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by X (s) in that it:

- _____ was stolen or embezzled
XX _____ was used as the means of committing a felony
_____ is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery
XX _____ tends to show that a felony has been committed or that a particular person has committed a felony
_____ tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring

YOU ARE THEREFORE COMMANDED TO SEARCH:

See attached and incorporated 9 DESCRIPTION PAGES:

FOR THE FOLLOWING PROPERTY:

See attached and incorporated 9 DESCRIPTION PAGES:

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. IT IS FURTHER ORDERED that the California Department of Justice is authorized to later return to the person(s) from whom seized, any property the Department, in its discretion, determines is no longer needed for law enforcement purposes. This Search Warrant and incorporated Affidavit was sworn to and subscribed before me this 10th day of October, 2006, at 9:42 AM. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

Stephen
(Signature of Magistrate)



Judge of the Superior Court

NIGHT SEARCH APPROVED: YES {} NO{X}

LOCATION(S) TO BE SEARCHED:

LOCATION 1

The premises located at **10744 Woodruff Ave., Downey, CA , Los Angeles County, California.** The premises is more particularly described as a single story structure with white color stucco and wood with a light blue trim, brown composition room with a white security screen door. The white 10744 numbers are affixed to a vertical pole. The house is on the West side of Woodruff facing East. The driveway is to the left of the front door (as you face the house).

The search is also to be made of any storage sheds, storage areas, garages and/or vehicles in direct control of the occupants, to which persons in control of the premises may have access to, or may be able to conceal items to be seized. And any vehicles which can be associated with individuals connected with this premises.

PERSONS TO BE SEARCHED:

1. Jesus DURAN AGUAYO, AKA: Jesus DURAN, HMA, DOB: [REDACTED] 5'8", 145 lbs, Black, Brown, [REDACTED]
2. Sofia AGUAYO, HFA, [REDACTED] 5'2", 150 lbs, Black, Brown, [REDACTED]

VEHICLES TO BE SEARCHED:

<u>Plate</u>	<u>Model</u>	<u>Year</u>
[REDACTED]	Ford	2003
[REDACTED]	Honda	1992

FOR THE FOLLOWING PROPERTY:

- (1) All documents that refer or relate to the purchase, sale, rent, or transfer of any property to or from Jesus Duran AGUAYO, AKA: Jesus DURAN and Sofia AGUAYO in any form, including receipts, purchase orders, invoices, canceled checks, shipping orders, shipping reports, quit claim deeds, escrow documents, appraisals, any documents to or from the City or County records, contracts or receipts with construction contractors, or property transfer documents, rental contracts or coupons, payment logs, photos, albums, correspondence, contracts, recap sheets, accounting and bookkeeping records and ledgers.
- (2) All documents that refer or relate to any deposits, withdrawals or transfers of funds with financial institutions (i.e. banks, savings and loans or investment brokers), including account statements, deposit slips and receipts, copies of deposited items, check registers, canceled checks, withdrawal slips, passbooks, safe deposit boxes, storage locker receipts, large sums of money or money orders, travelers checks, any combination safes or locked boxes therein including all purses and wallets found in the care and/or control and

dominion of persons associated with the residence.

- (3) Forms of official identification and respective exemplars of original handwriting including drivers licenses, credit cards, birth records, social security cards, passports, resident alien cards, food stamps, identification cards, signature cards, usage cards and applications, insurance documents, Medi-Cal cards, and photographs relative to the existence or non-existence of persons and their employment, and identification of credit cards in other person's name.
- (4) Articles of personal property such as personal telephone and address books, notebooks, photographs, and papers, along with other items reflecting the names, addresses, and/or telephone numbers of associates possibly involved in the fraud scheme.
- (5) Articles of personal property tending to establish the identity of the persons in control of the premises being searched, including utility company receipts, bills, rent receipts, lease agreements, contracts, letters, addressed mail, purchase receipts, sales receipts, vehicle registration documents, vehicle pink slips, telephone bills, and keys (business, vehicle, and/or residence). All checks, notes, ledgers, correspondence (sealed or unsealed) or other documents which show or tend to show disbursement of the monies received from sale, transfer or rent of properties.
- (6) Computers and computer systems, including computer records, whether on paper or stored on optical, magnetic and memory driven media, including information contained within a computer or computer systems including those joined by networking technology, laptop computers, notebook computer; on internal hard drives and/or other types of fixed and/or removable and mobile media storage devices including, internal and external hard disks, floppy disks, Mini discs, Jaz tape cartridges, flash memory cards, DLT tapes, high density floppy disks, compact disks, LS-120 super disks, Click brand disks, memory cards, Micro drives, commonly known as thump drives, digital audio/video tapes, DVD disks, compact disks, large capacity storage disks, including those commonly referred to as Zip disks, memory sticks, electronic calendars and address books including those known as PDA, personal digital assistant, PDA combination cellular phones, also referred to as Smart phones.

Also, any electronic data storage devices such as fax machines, address, memo, calender, phone books, pagers, and including cellular telephones which have the ability to store frequently used telephone numbers and which contain the cellular electronic serial number which records the history of the cellular phone use.
- (7) Any documents showing assets, including business records, blank rent receipts, letters, envelopes, bank and savings account records, canceled checks, balance sheets, safe deposit boxes, large sums of money or money orders, travelers checks (real or counterfeit) or drafts. Any financial documents that show the financial money trail.
- (8) All articles of personal property and documents used by persons named as a means of

employment, including personnel records, pre-employment applications, employment applications, employment records, employee benefit packages, pay stubs, time-cards, employee identification, employee association/net work membership records and identification, union records, tax returns, signature cards, and emergency notification cards.

- (9) All documents showing self-employment business(es), including pay stubs, business ledgers, canceled checks, bank account records, and customer lists.
- (10) Any evidence of past or current indebtedness, including handwritten notes, contracts, promissory notes, credit card records, mortgage records, vehicle loan and/or lease payment records.

LOCATION 2

The premises located at **1601 McPherrin Ave., Monterey Park, CA , Los Angeles County, California**. The premises is more particularly described as a single-story dwelling house white in color with wood and stucco, gravel roof, with a detached garage that is attached to the house with a two by four. The white numbers 1601 are located on the garage and located on the West side of McPherrin Ave.

The search is also to be made of any storage sheds, storage areas, garages and/or vehicles in direct control of the occupants, to which persons in control of the premises may have access to, or may be able to conceal items to be seized. And any vehicles which can be associated with individuals connected with this premises.

PERSONS TO BE SEARCHED:

1. Jesus DURAN AGUAYO, AKA: Jesus DURAN, HMA, [REDACTED] 5'8", 145 lbs, Black, Brown, [REDACTED]
2. Sofia AGUAYO, HFA, [REDACTED] 5'2", 150 lbs, Black, Brown, [REDACTED]

VEHICLES TO BE SEARCHED:

<u>Plate</u>	<u>Model</u>	<u>Year</u>
[REDACTED]	Ford	2003
[REDACTED]	Honda	1992

FOR THE FOLLOWING PROPERTY:

- (1) All documents that refer or relate to the purchase, sale, rent, or transfer of any property to or from Jesus Duran AGUAYO, AKA: Jesus DURAN and Sofia AGUAYO in any form, including receipts, purchase orders, invoices, canceled checks, shipping orders, shipping reports, quit claim deeds, escrow documents, appraisals, any documents to or from the City or County records, contracts or receipts with construction contractors, or property transfer documents, rental contracts or coupons, payment logs, photos, albums, correspondence, contracts, recap sheets, accounting and bookkeeping records and ledgers.
- (2) All documents that refer or relate to any deposits, withdrawals or transfers of funds with financial institutions (i.e. banks, savings and loans or investment brokers), including account statements, deposit slips and receipts, copies of deposited items, check registers, canceled checks, withdrawal slips, passbooks, safe deposit boxes, storage locker receipts, large sums of money or money orders, travelers checks, any combination safes or locked boxes therein including all purses and wallets found in the care and/or control and dominion of persons associated with the residence.

- (3) Forms of official identification and respective exemplars of original handwriting including drivers licenses, credit cards, birth records, social security cards, passports, resident alien cards, food stamps, identification cards, signature cards, usage cards and applications, insurance documents, Medi-Cal cards, and photographs relative to the existence or non-existence of persons and their employment, and identification of credit cards in other person's name.
- (4) Articles of personal property such as personal telephone and address books, notebooks, photographs, and papers, along with other items reflecting the names, addresses, and/or telephone numbers of associates possibly involved in the fraud scheme.
- (5) Articles of personal property tending to establish the identity of the persons in control of the premises being searched, including utility company receipts, bills, rent receipts, lease agreements, contracts, letters, addressed mail, purchase receipts, sales receipts, vehicle registration documents, vehicle pink slips, telephone bills, and keys (business, vehicle, and/or residence). All checks, notes, ledgers, correspondence (sealed or unsealed) or other documents which show or tend to show disbursement of the monies received from sale, transfer or rent of properties.
- (6) Computers and computer systems, including computer records, whether on paper or stored on optical, magnetic and memory driven media, including information contained within a computer or computer systems including those joined by networking technology, laptop computers, notebook computer; on internal hard drives and/or other types of fixed and/or removable and mobile media storage devices including, internal and external hard disks, floppy disks, Mini discs, Jaz tape cartridges, flash memory cards, DLT tapes, high density floppy disks, compact disks, LS-120 super disks, Click brand disks, memory cards, Micro drives, commonly known as thumb drives, digital audio/video tapes, DVD disks, compact disks, large capacity storage disks, including those commonly referred to as Zip disks, memory sticks, electronic calendars and address books including those known as PDA, personal digital assistant, PDA combination cellular phones, also referred to as Smart phones.

Also, any electronic data storage devices such as fax machines, address, memo, calendar, phone books, pagers, and including cellular telephones which have the ability to store frequently used telephone numbers and which contain the cellular electronic serial number which records the history of the cellular phone use.

- (7) Any documents showing assets, including business records, blank rent receipts, letters, envelopes, bank and savings account records, canceled checks, balance sheets, safe deposit boxes, large sums of money or money orders, travelers checks (real or counterfeit) or drafts. Any financial documents that show the financial money trail.
- (8) All articles of personal property and documents used by persons named as a means of employment, including personnel records, pre-employment applications, employment applications, employment records, employee benefit packages, pay stubs, time-cards, employee identification, employee association/net work membership records and

identification, union records, tax returns, signature cards, and emergency notification cards.

- (9) All documents showing self-employment business(es), including pay stubs, business ledgers, canceled checks, bank account records, and customer lists.
- (10) Any evidence of past or current indebtedness, including handwritten notes, contracts, promissory notes, credit card records, mortgage records, vehicle loan and/or lease payment records.

LOCATION 3

**Bank of America
Bank of America Plaza
333 S Hope Street, Suite 100
Los Angeles, CA 90000**

The offices of Bank of America and any other premises located in California in which the records and documents described below are maintained.

FOR THE FOLLOWING PROPERTY:

- (1) Money or account balances
- (2) For the period of April 1, 2000 to present, all records and documents pertaining to Bank of America account number [REDACTED] and [REDACTED] or accounts over which Jesus Duran AGUAYO and/or Sofia AGUAYO (Social Security numbers [REDACTED] and [REDACTED] respectively). Other accounts include any or all accounts which are currently open or closed, and regardless of whether the accounts are for savings, checking, loans, credit cards, or any other financial services. These records and documents include, but are not limited to:
 - a) documents acquired or created during account opening or at any other time, including account applications, original account signature cards, articles of incorporation, corporate resolutions, fictitious name business statements, business or tax licenses, financial statements, credit reports, powers of attorney, personal identifications papers, and deeds of trust;
 - b) account activity reports, including monthly or other periodic statements, and transcripts of account;
 - c) fund transfer documents, including deposit and withdrawal slips, credit and debit memoranda, and receipts for automated teller, direct deposit or other electronic transfers;
 - d) checks and other financial instruments deposited;
 - e) checks drawn;
 - f) checks and other financial instruments cashed against the account or cashed by the account holder;
 - g) financial instruments purchased using account funds or the purchased by the account holder, including cashiers' checks, or other bank checks, money orders, and traveler's checks;

correspondence pertaining to the account or to the account holder(s);

h) currency transactions reports pertaining to the account or to the account holder(s);

i) credit arrangements, including loan agreements, security agreements, credit card agreements, letters of credit, promissory notes and lines of credit;

j) checks or other financial instruments issued as loan proceeds;

k) credit card transaction receipts;

l) documents pertaining to safe deposit boxes in the name of the account holder(s), including applications, signature cards, and entry logs.

These records and documents shall be **originals**, unless only copies exist. Copies of two-sided documents shall include both sides of the document.

If the officer executing this search warrant gives the bank the opportunity to produce the records and documents as an alternative to the officer conducting the search and seizing the items for him or herself, and the bank agrees to this procedure, the bank shall produce the named records and documents regardless of the branch where the accounts are based or the location of records and documents.

LOCATION 4

The premises located at [REDACTED]. The premises is more particularly described as the U.S. Post Office and a single story structure with beige color stucco and red, white and blue trim and glass window. It is a United States Post Office, North Downey Postal Store opened from 9:00 a.m. to 5:00 p.m. for Full Service and opened 24-hours for Self Service. The search to be made on [REDACTED] Downey, CA 90239.

FOR THE FOLLOWING PROPERTY:

- (1) Articles of personal property tending to establish the identity of the persons in control of the premises being searched, including utility company receipts, bills, rent receipts, lease agreements, contracts, letters, addressed mail, purchase receipts, sales receipts, vehicle registration documents, vehicle pink slips, telephone bills, and keys (business, vehicle, and/or residence). All checks, notes, ledgers, correspondence (sealed or unsealed) or other documents or mail which show or tend to show disbursement of the monies received from sale, transfer or rent of properties.

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANA CALLAGHAN
Deputy Attorney General
3 Department of Justice
Office of the Attorney General
4 300 South Spring Street, Suite 1702
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5 Telephone: (213) 897-2606
6 Attorney for the People of the State of California

7
8
9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, NORTHEAST DISTRICT**

12 **PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**

14 **Plaintiff,**

15 **vs.**

16
17 **JESUS DURAN AGUAYO a/k/a JESUS**
DURAN and SOFIA AGUAYO

18 **Defendants.**
19
20

Case No. _____

DOJ Case No. 06-50057-01

DECLARATION MADE PURSUANT TO
SECTION 2015.5 C.C.P. IN SUPPORT OF
AND ISSUANCE OF ARREST WARRANT/
SEARCH WARRANT FOR JESUS DURAN
AGUAYO A/K/A JESUS DURAN AND
SOFIA AGUAYO

21 The undersigned hereby declares, upon information and belief:

22 I, _____, have been employed in the State of California as a
23 Peace Officer since November of 1999 and is a Special Agent with the California Department of
24 Justice, Bureau of Investigation. I have been a peace officer for _____. My formal
25 education and training includes a _____
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Declaration in Support of Arrest Warrant and
Search Warrant

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STATEMENT OF PROBABLE CAUSE:

Based upon my training and experience, and the facts set forth in this affidavit, I conclude

Declaration in Support of Arrest Warrant and
Search Warrant

1 there is probable cause to believe that during the time period commencing on or about April 1,
2 2000 to the present. Suspects Jesus Duran AGUAYO AKA: Jesus DURAN and Sofia
3 AGUAYO and other unidentified individuals have engaged in a real estate fraud scheme where
4 they arranged and transferred real properties by recording false Quit Claim Deeds and false Grant
5 Deeds, commonly known as Wild Deeds, in the County of Los Angeles. I believe the evidence
6 of this scheme to defraud will be found at the AGUAYO residences located at [REDACTED]

7 [REDACTED] and [REDACTED]
8 DOJ Special Agents have been conducting an ongoing criminal investigation, centered
9 around **Jesus Duran AGUAYO, AKA: Jesus DURAN and Sofia AGUAYO** and other
10 unidentified co-conspirators conspired to file a false document for record for transfer of real
11 property, violating **115 (a) P.C.**, thus violating **182 P.C. (conspiracy), 487 P.C. (grand theft), and**
12 **602 P.C. (trespassing)** and violation of Penal Code Sections **459 P.C. (Residential Burglary), 115**
13 **P.C. (Filing False Documents), and 470 P.C. (Forgery)** and Revenue and Taxation Code Section
14 **19705 and 19706 (Filing a False Tax Return).**

15 HISTORICAL INFORMATION ON SUSPECTS

16 According to Department of Real Estate (DRE) records, Sofia AGUAYO applied for a
17 Sales Person License Application on 8/19/86 and was assigned Id number 00937085 and had a
18 change of mailing and residence address on 12/10/87 to [REDACTED]
19 90241. On a Salesperson Renewal Application dated 8/17/90, it noted that her employer broker
20 information was under Jesus Duran AGUAYO, with broker or corporation Id number 00766383.

21 Jesus Duran AGUAYO applied for a Sales Person License Application on 12/5/79 and
22 was assigned Id number [REDACTED]. He also had a Broker License Application dated 6/25/84 and
23 changed the mailing and residence address to [REDACTED] on
24 12/14/87. Jesus Duran AGUAYO also has a Contractor's license number [REDACTED] with the
25 California Contractor's State License Board.

26 A Department of Motor Vehicle database search shows that Jesus Duran AGUAYO and
27 Sofia AGUAYO list their address as [REDACTED] and their
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Declaration in Support of Arrest Warrant and
Search Warrant

1 vehicles are registered to this address.

2 **CITIZEN COMPLAINT**

3 This investigation was initiated upon information received from the neighbor of Richard
4 Dee (hereafter Dee), Jose Figueroa (hereafter Figueroa) who sent a letter to the Los Angeles City
5 Attorney's Office. Figueroa stated that Dee disappeared for a few months and in June 2005, a
6 chain link fence was placed around Dee's property, a garbage bin was brought in and every piece
7 of Dee's "life" was in the trash. Figueroa was told by Jesus AGUAYO that Dee was dead and he
8 had purchased Dee's house. Figueroa videotaped the AGUAYOs removing items from Dee's
9 house.

10 Figueroa found out that Jesus Duran AGUAYO (AKA: Jesus DURAN) had Quit
11 Claimed Dee's house to his wife Sofia AGUAYO. Figueroa discovered that Dee was still alive,
12 had been in the hospital and was unaware the ownership of his house had been transferred and
13 belonged to the AGUAYOs.

14 **CRIMINAL INVESTIGATION**

15 Beginning in July 2006, I was assigned this case. Along with other Department of Justice
16 agents and personnel, I conducted several interviews, conducted database searches and
17 surveillances on the AGUAYOs in an effort to document the fraud. During the investigation
18 Agents discovered that Sofia and Jesus AGUAYO claim to own over 100 properties, had Quit
19 Claimed via deed the properties to themselves without the legal owners knowledge. Before
20 recording the false deeds, they paid the delinquent property taxes due on each property also
21 without the knowledge of the owners of record. The AGUAYOs also changed the tax bill
22 mailing address to their mailing address of [REDACTED] or a [REDACTED]
23 [REDACTED], in order to prevent the true owner being notified
24 of taxes due and to ensure that the tax records reflected the AGUAYOs as the payors. However,
25 there is no record in the County Recorder's office that the original legal owner of record
26 transferred the property to the AGUAYOs. During my investigation I found that after the false
27 deeds were filed, the AGUAYOs took possession of the properties, entered without permission,
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Declaration in Support of Arrest Warrant and
Search Warrant

1 placed fences around the properties, changed the locks, rehabilitated and rented the properties to
2 their tenants and attempted to preclude some of the true owners from regaining possession.

3 SURVEILLANCES

4 During all these surveillances, your affiant believes that the AGUAYOs reside in two
5 homes located at [REDACTED] and [REDACTED]
6 [REDACTED] 4. Several California Department of Justice agents conducted location
7 checks and surveillances on the AGUAYOs and looked for the white van with California plates
8 [REDACTED].

9 At the [REDACTED], specifically on October 4, 2006, at 0930 hours, I saw the
10 white van parked in the driveway. At 0950 hours, I saw Sofia AGUAYO in blue jeans and grey
11 sweatshirt, take two bags of garbage out to the curb. At 1220 hours, I observed Jesus AGUAYO
12 dressed in dress slacks and light blue dress shirt, walk to the white van and take something out of
13 the van. The van had building materials in it. He brought a garbage can bin back to the house
14 and had hedge clippers in his hands and clipped the hedges at the curb. At 1225 hours, the
15 AGUAYOs walked to Firestone Blvd. and had lunch at El Pollo Loco. At 1245 hours, I walked
16 to the residence, rang the doorbell and there was no answer. I walked to the back door and saw
17 two real estate magazines addressed to Jesse AGUAYO, in the back patio I saw a BBQ and patio
18 set. At 1315 hours, the AGUAYOs walked back to the house. At 1420 hours, Jesus AGUAYO
19 walked out to the driveway. At 1430 hours, the AGUAYOs left in the white van, backed out of
20 the driveway and turned left to Cecilia Ave., I followed them and they went South on the 605
21 freeway. I returned to the [REDACTED] residence and rang the door bell, there was no
22 answer. The surveillance ended at 1530 hours.

23 The following were observations at the 1601 McPherrin address:

24 On October 4, 2006, Wednesday, at 0730-0830 hours, no vehicle.

25 On October 4, 2006, Wednesday, at 1715-1800 hours, white van in driveway. License
Number [REDACTED]

26 On October 5, 2006, Thursday, at 0730-0830 hours, white van in driveway. License
Number [REDACTED]

27 On October 6, 2000, Friday, at 0850-1000 hours, white van in driveway. License
Number [REDACTED]

28
Declaration in Support of Arrest Warrant and
Search Warrant

1 On October 9, 2006, Monday, at 0740-0840 hours, no vehicle.

2 On October 9, 2006, at 1220-1330 hours, no vehicle.

3 On October 10, 2006, at 0730-0830 hours, no vehicle.

4 On October 11, 2006 at 0650-0730 and 0810 hours, white van in the driveway. License
[REDACTED]

5 **INTERVIEW WITH JESUS AND SOFIA AGUAYO**

6 I reviewed a report done by Department of Justice, [REDACTED], on April 24,
7 2006 while conducting a field check of [REDACTED],

8 encountered a man and woman who were working at the property. The individuals identified
9 themselves as the primary suspects Jesus and Sofia AGUAYO. As a result, [REDACTED] and

10 [REDACTED] interviewed Jesus AGUAYO. Also present during the interview was AGUAYO's wife
11 Sofia AGUAYO, [REDACTED]. The AGUAYOs stated the following, in summary.

12 They said they took possession of the McPherrin property back in 1998 because it had
13 been abandoned by the owner. They never spoke or met with the owner of the property. They
14 have not obtained any permission oral or written from the owner authorizing them to occupy the
15 property.

16 They are in possession of the property under the adverse "Squatter Rights" law. Mr.
17 AGUAYO explained that when a property is abandoned by its owner, anyone can occupy that
18 property and if no one presents a claim to the property within five years the occupant can file a
19 "Quiet Title" and become the legal owner of that property. However, if someone who has a legal
20 interest in the property comes to claim the property within the five years the "Squatter" must
21 leave. Mr. AGUAYO cited a case named *Valerie Marriage v. Marilyn M. Keener, case number*
22 *C016248, 26 Cal.App. 4th, 191.*

23 The AGUAYO's have not filed the "Quiet Title" on this particular property although the
24 claimed five year period has passed. The AGUAYO's stated that they have paid some delinquent
25 taxes on the property and have invested over \$80,000 in refurbishing the home.

26 Mr. AGUAYO further stated that he knows about these laws because of his real estate
27 background from Security Pacific Bank. They began taking over these types of properties after
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Declaration in Support of Arrest Warrant and
Search Warrant

1 he was laid off. Mr. AGUAYO added that he was not the only one doing this and that other
2 people who know about this law are also obtaining property.

3 At the conclusion of our interview, the AGUAYO's agreed to schedule a meeting
4 wherein they could explain the exact circumstances of each property that they had obtained.
5 They stated that some of the confusion regarding their properties were either attributed to them
6 not filing the deeds yet or that some have been returned to the rightful owner.

7 **DEPARTMENT OF CONSUMER AFFAIRS DOCUMENTS**

8 On September 27, 2006, I spoke to Investigator from the California
9 Department of Consumer Affairs, Real Estate Fraud and Information Program. She explained to
10 me that DCA has a contract with a company called Data Trace that provides records from the
11 Assessor's Office. Her office has provided me with copies of documents including Property
12 Information, Notice of Power to Sell Tax-Defaulted Property, Quit Claim Deeds, Certificates of
13 Death and other pertinent documents.

14 **CALIFORNIA FRANCHISE TAX BOARD RECORDS**

15 On September 28, 2006, I met with Investigator of the
16 Franchise Tax Board (FTB). I reviewed FTB documents and and I believe the
17 AGUAYOs are under reporting income to the FTB because DOJ agents interviewed tenants of
18 twelve properties claimed to be owned by the AGUAYOs and ten out of the twelve tenants were
19 paying an average of \$1,000.00 a month to the AGUAYOs. On the AGUAYO's income tax
20 returns, they declare lesser amount of rent than they receive and FTB told me that the
21 AGUAYOs did not claim income from 36 out of 44 properties for the tax years of 2002-2004.

22 **POSTAL OFFICE BOX INFORMATION**

23 On October 4, 2006, I met with Box Keeper/Box Clerk at the Postal
24 Office Center located at [REDACTED] told me the
25 Postal Box 39965 belongs to Jesus and Sofia AGUAYO, with listed a residence of [REDACTED]
26 [REDACTED] and was opened in September 1989, [REDACTED] I
27 examined the customer cards and Sofia AGUAYO listed a California Driver's License (CDL)

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Declaration in Support of Arrest Warrant and
Search Warrant

1 number [REDACTED]'s identification. A DMV database check showed the
2 belongs to Sofia AGUAYO and lists [REDACTED] as her home address. I
3 also reviewed the Customer profile and payment history which has been paid until September
4 2007.

5 BANK RECORDS

6 During the course of my investigation, I reviewed several personal bank checks written by
7 the AGUAYOs used to pay the delinquent tax and utilities for various properties. The payments
8 were made from a Bank of America checking account number [REDACTED]. The checks list
9 Sofia AGUAYO and Jesus D. AGUAYO as the joint owners with payor address of [REDACTED]
10 [REDACTED]. The Bank of America branch is located at 333 S. Hope
11 Street, Suite 100, Los Angeles, CA 90071. I was able to verify that the account is still open and
12 active and was opened at the abovementioned branch in 1993.

13 Also, on September 28, 2006, I met with Investigator [REDACTED] with the California
14 Franchise Tax Board (FTB). I reviewed FTB documents and found another Bank of America
15 account reported on their income taxes for retirement. The account is [REDACTED].

16 RICHARD DEE's PROPERTY

17 INTERVIEW WITH RICHARD DEE AND JOSE FIGUEROA

18 On July 19, 2006, I interviewed Richard Dee (hereafter Dee) regarding his property
19 located at 5023 O'Sullivan Drive, Los Angeles, CA 90032. Also present was Dee's neighbor,
20 Jose Figueroa, (hereafter Figueroa) who lives at [REDACTED], DOB:
21 [REDACTED] CDL: [REDACTED]. Dee said he is 78 years old, has never been married
22 and has no children. He also told me he has no real medical problems. In February 2003, he was
23 treated for abdominal problems at a hospital for five days, was transferred to the [REDACTED]'s
24 Nursing home and now lives at the [REDACTED] Retirement Home [REDACTED]. While at Brier
25 he said he had no one taking care of his home. Dee said he inherited this home from his mother,
26 Mable Dee and forgot to pay the property taxes because he was at Brier.

27 Figueroa said that he and the neighbors noticed Dee was missing and the house was
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Declaration in Support of Arrest Warrant and
Search Warrant

1 empty. Figueroa started to make inquiries and eventually German Beltran (hereafter Beltran),
2 Social Worker [REDACTED] located Dee's whereabouts. The rumor was that Dee had died
3 and the house was sold. Figueroa said he saw a huge bin in front of Dee's house and all his
4 personal property was thrown out. Dee said all his furniture and personal belongings including
5 old family photos and his mothers paintings were thrown out. Dee also had a red 1967 Ford
6 Mustang that was missing. Figueroa said that Dee's neighbor, Lydia Carbajal [REDACTED]
7 may have seen the Ford Mustang being towed away.

8 Figueroa also found out that Dee's property was quit claimed to Sofia AGUAYO from
9 Jesus Duran, aka: Jesus AGUAYO (hereafter J. AGUAYO). Figueroa said he spoke to J.
10 AGUAYO and told him that Dee had died and he bought Dee's house. Figueroa asked more
11 questions and J. AGUAYO's answers seemed suspicious. Figueroa also said he found out the
12 AGUAYOs owned a lot of properties and then ran into Beltran by luck in the neighborhood
13 because Beltran was trying to locate Dee.

14 Dee said this incident was reported to the Los Angeles District Attorney's Office and they
15 referred him to Derek Li (hereafter Li), a pro bono attorney with the Betz Tzedek Legal Services.
16 Dee also said this incident was reported to [REDACTED] with the Los Angeles Police
17 Department, Hollenbeck Division. Dee gave me a list of his missing property.

18 Dee said that through his attorney, the AGUAYOs wanted to buy his home and Dee said
19 "no". Figueroa said that after he found out about the deed, he picked up Dee from his retirement
20 home, drove by Dee's home and Dee and Figueroa saw the AGUAYOs fixing the roof. The
21 AGUAYOs put a chained link fence up and locked it up, they remodeled the bathroom, bedroom
22 and kitchen, and put in new windows.

23 Dee told me he used to work for Century 21 and also at a real estate and title company in
24 the indemnity department and was well versed on property transfers. He said he would never
25 transfer his home to the AGUAYOs or anyone else. Dee described Sofia AGUAYO as 5'1",
26 heavy set, had short grey hair, was quiet and had dark skin. I showed him a 6-pack of DMV
27 photos and Dee could not identify Sofia AGUAYO. He said he only met her once when there
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Declaration in Support of Arrest Warrant and
Search Warrant

1 was a walk through with his attorney Li, and City Attorney Investigator

2 is from the Office of the Los Angeles City Attorney's Office and
3 Calles took photos of his home.

4 With the assistance of Li, Dee got his property returned and Dee had the court decision
5 dated May 7, 2006. The AGUAYOs wanted to buy the home or receive \$21,000 for the upgrades
6 and delinquent taxes. Dee said he did not pay anything back to the AGUAYOs. He would love
7 to return to his home, but the house is uninhabitable because the AGUAYOs did not finish the
8 work they started including work on the roof. Dee can not even qualify for a reverse loan to fix
9 up the home.

10 INTERVIEW WITH GLORIA GONZALEZ

11 On July 18, 2006, I contacted Gloria Gonzalez (hereafter Gonzalez), neighbor of Richard
12 Dee (hereafter Dee) by telephone for the purpose of interviewing her regarding Dee's property
13 and to inquire if she could identify the couple who had allegedly bought Dee's home.

14 Gonzalez said she lives with her husband Jose Gonzalez and son Jose Gonzalez, Jr. She
15 said she and her family seldom speak to Dee and she would see him come and go. Her home is
16 across the street and one house down from Dee's house. Gonzalez told me that one day, Dee
17 disappeared and neighbors became concerned. The rumors circulated around the neighborhood
18 that Dee had died, had no close relatives and the house was sold. One neighbor, Jose Figueroa
19 got involved and found out that Dee was in a nursing home. He also found out that Dee's
20 property had been taken away.

21 Gonzalez said she saw a man or two staying at Dee's house in the evenings and she
22 thought they took care of the house and fed the cat. Gonzalez told me she did not think these
23 men were workers or were fixing up the house. She then saw a male and female couple at the
24 house and thought they were the new owners. Gonzalez said she never spoke to them.

25 Gonzalez told me the couple put up a chain link fence around Dee's house and started
26 renovating the house. Gonzalez said she did not know what happened to Dee's personal property
27 but knew Dee's Ford Mustang had disappeared and it looked like someone vandalized the
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Declaration in Support of Arrest Warrant and
Search Warrant

1 garage. Gonzalez said she could not identify the couple because she was not wearing her glasses
2 when she saw them, but she did see them come and go in a white van. The house currently looks
3 vacant and still has a chain link fence.

4 **ISABEL INFANTE's PROPERTY**

5 **INTERVIEW WITH MICHELLE AMARO**

6 On July 11, 2006, I interviewed Michelle Amaro (hereafter Amaro) and her attorney
7 Geoffrey Murry (hereafter Murry) from Feinberg, Mindel, Brandt, Klein and Kline, LLP
8 regarding Amaro's grandmother's property located at [REDACTED]
9 Amaro told me her grandmother, Isabel Infante (hereafter Infante), owned the abovementioned
10 property and she died in 1993. Infante had left a will in her safe deposit box, but the bank could
11 never locate the box. Amaro's dad, Richard Infante (hereafter R. Infante) used to live in the
12 house, but has been in and out of prison, is mentally ill and was a heroin user. Amaro said he
13 lives at Infante's house and believes he is currently cooking meth at the house. There are also
14 several people living at the house with him.

15 Amaro said that on April 27, 2004 she visited Infante's property. There were two Latin
16 men painting the house and it was empty. These men told Amaro her father had died and gave
17 her a suitcase of her father's belongings and paperwork. The men also gave her the AGUAYO's
18 phone number because they now owned the house.

19 Amaro said she spoke to R. Infante's neighbors, Michelle and Oliver [REDACTED]
20 who had spoken to the AGUAYOs. The AGUAYOs said they had bought the house for a cheap
21 price in an auction and they were going to fix it up to give it to their son. (Note: Murry said that
22 in the deposition, the AGUAYOs never mentioned they bought the home in an auction.) These
23 neighbors also saw the AGUAYOs in a white van with license plate [REDACTED] watching and
24 stalking the property.

25 Amaro said she called J. AGUAYO and inquired about R. Infante. J. AGUAYO said he
26 bought the home in an auction and her father was in jail. Amaro asked J. AGUAYO how she
27 could get the home back since she was raised there and her father was going to live there once he
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Declaration in Support of Arrest Warrant and
Search Warrant

1 got out of jail. Amaro suggested she could buy the house back or make another arrangement and
2 J. AGUAYO said it was a "done deal". Amaro contacted her friend Joe Mesa and her aunt,
3 Christine Bravo for assistance and they did some research. They found out the house was quit
4 claimed by Jesus Duran to Sofia and J. AGUAYO. Amaro called the Assessor's Office and was
5 told the house had been scheduled for public auction but had been pulled out after the back taxes
6 of approximately \$1,000.00 were paid.

7 A couple of weeks later, Amaro had retained Attorney Steven Speigel (hereafter Speigel)
8 and he had arranged a meeting with the AGUAYOs and Amaro. J. AGUAYO provided a Public
9 Auction flyer and said he quit claimed the property for construction purposes and to fix up the
10 property. Amaro told me S. AGUAYO held a book with photos of the property and other sites.
11 Amaro said her dad used to collect classical cars and those cars were stolen by the AGUAYOs.
12 Amaro could not remember the makes or models of the cars, but saw the pictures in the
13 AGUAYO' s photo album. Amaro did not keep Speigel as an attorney.

14 Amaro said that J. AGUAYO also provided a rental agreement between he and R. Infante
15 dated January 1, 2000. When Amaro showed the rental agreement to her father, he said it looked
16 like his signature but he never signed the rental agreement. Amaro was advised not to leave the
17 property vacant and let Leo Lianoz and Debbie (last name unknown) stay at the home and they
18 found a receipt book. It looked like someone was practicing R. Infante's signature. Amaro gave
19 the book to her new attorney and gave me two original receipts.

20 Amaro continued to say the AGUAYOs harassed the tenants by telling them they were
21 trespassing, putting up signs, calling the dog pound to take a dog, putting up chain link fences,
22 cutting locks off and putting their own on. The tenants left because they could not take this
23 behavior. On October 24, 2005, Amaro filed a police report with the Los Angeles Police
24 Department for her father's stolen cars, and other property taken from the house.

25 When R. Infante got out of jail in the fall of 2004, he told the Latin men to get out of his
26 home and he moved back in. The AGUAYOs tried to kick him out, but have had no success. R.
27 Infante signed over the interest of the property to Amaro and her boyfriend Dara Ros because R.

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Declaration in Support of Arrest Warrant and
Search Warrant

1 Infante has mental problems. Murry told me he had a copy of this agreement. In March 2005,
2 Amaro became the administrator of the decedents estate.

3 Amaro has written letters to the of the Assessor's Office, also to
4 the Department of Consumer Affairs, and has been in contact with , Investigator
5 with the Office of the City Attorney. Amaro discovered that the AGUAYO already paid for the
6 2005 property taxes and Amaro tried to change the Assessor's Identification Number with no
7 luck. Amaro said she felt this was a race and the AGUAYOs were always one step ahead.

8 Amaro said this property was still under her grandmother's name and is currently going
9 through probate. On August 9, 2004, the AGUAYOs filed a complaint to Quiet Title on the
10 property and Amaro goes to trial with her attorneys against the AGUAYOs on August 17 and 18,
11 2006. On October 6, 2006, Judge Michael I. Levanas, from the Superior Court of Los Angeles,
12 court signed a Proposed Statement of Decision on the Infante property stating that the court
13 found there was explicit and convincing evidence supporting Ms. AGUAYO's complaint to
14 Quiet Title regarding the property by adverse possession.

15 At the time of the trial, the court was not aware that Mr. Infante was in prison at the time
16 when the contract was purportedly or allegedly signed on January 1, 2000. Mr. Infante, who was
17 not called as a witness at the trial, denies ever signing the contract.

18 HIROSHI OSAKA PROPERTY

19 INTERVIEW WITH HIROAKI OSAKA

20 On August 22, 2006, I contacted Hiroaki "Harry" Osaka (hereafter Osaka) for the purpose
21 of interviewing him regarding his parents property located at , Monterey
22 Park, CA. Osaka said this property belonged to his parents and is now his. When his father
23 Hiroshi was still alive and in a nursing home, Osaka would take care of the house because he was
24 hoping his father would one day return home. Osaka mentioned he drove by the house in early
25 2005 and saw a white van parked at the house. He said he saw blinds and furniture inside the
26 home but did not want to confront the people living there. He said he did not want any problems.

27 Osaka told me that one of his father's neighbors (name unknown) told him that these
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Declaration in Support of Arrest Warrant and
Search Warrant

1 people were living at this property for about a month and a half. Osaka found out there was a
2 delinquent tax bill and since the father had no extra assets, he and father were going to let the
3 property go to an auction. When Osaka called the recorder's office he found out that the home
4 never went to the auction and that Jesus and Sofia AGUAYO had changed the title and paid the
5 taxes.

6 Osaka said he went back to the house and spoke to the AGUAYOs. They were
7 renovating the house and told him that since they paid the taxes, they had the right to own the
8 house. Osaka told them he did not agree. The AGUAYOs also told him they were now
9 interested in purchasing the home and Osaka said this is my father's house and he would have to
10 talk to his attorney.

11 Osaka told me that his father only had old furniture and when he entered the house with
12 the AGUAYOs the majority of the furniture was missing. Osaka had taken all of his father's
13 personal items out while his father was in the nursing home.

14 In May 2005, Osaka hired Glen Nakatani and got the property returned to him and they
15 reimbursed the AGUAYOs for the paid taxes. Osaka said his father died in December 2005.
16 Osaka said "what the AGUAYOs are doing is not right."

17 **EDDIE TARANGO PROPERTY**

18 **INTERVIEW WITH EDDIE TARANGO AND KENT STEPHENS**

19 On August 22, 2006, I met with Kent Stephens, Administrator at the [REDACTED]
20 Nursing Home located at [REDACTED]. The purpose of this
21 meeting was to obtain information regarding Eddie Tarango (hereafter Tarango) and to interview
22 Tarango regarding his property located at [REDACTED].

23 Stephens said he has been the Administrator [REDACTED] since 1993 and the
24 home keeps the visitor logs since 2002. He said the facility is very particular about visitors and if
25 Tarango would have signed anything it would have to be notarized.

26 According to his computer records, Tarango has been at Colonial Gardens since May
27 1996 and some of his conditions include: Schizophrenia chronic paranoia, hypertension, diabetes,
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 dementia, and alcohol abuse. He gave me a copy of the Record of Admission and asked the
2 receptionist Crystal Resendez (hereafter Resendez) to review the visitor's logs for the year 2005,
3 since this is when the AGUAYO notarized the quitclaim deed on Tarango's property. Resendez
4 gave me a copy of the visitor log showing Tarango only had one visitor on November 30, 2005,
5 Don Tarango, his nephew. Tarango did not have any visitors for the other years. On the Record
6 of Admission, Don [REDACTED] is listed as next of kin and so is Tarango's cousin, Robert
7 Becerril [REDACTED]

8 Stephens said Tarango has been admitted and discharged from Colonial Gardens to the
9 custody of the Huntington Memorial Hospital (HMH), De La Martin Center in Pasadena for
10 psychiatric treatment at various times because he is unstable and suffers from mental illness.
11 Tarango has been between Colonial Gardens and the HMH in Pasadena for psychiatric treatment
12 and has been seen by Dr. Helen Duncan [REDACTED]. Tarango also has a Los Angeles Public
13 Guardian, Felicia Bolder [REDACTED] because he is incapable of making decisions on his
14 own.

15 I then met with Tarango and Stephens was present. Tarango told me his date of birth and
16 his home address. He said he bought this home with his mother Frances Tarango about 50 years
17 ago and the home is paid off. He said he came to live to Colonial Gardens when his mother was
18 still alive, and now his home is vacant. He has two brothers named Alfred and Sammy and a
19 nephew named Don who visits Tarango.

20 Tarango said he never sold nor gave his home to anyone, and never has signed any
21 documents regarding his home. He said he never heard of the names of Jesus AGUAYO, Jesus
22 Duran or Sofia AGUAYO. I showed him photos of the AGUAYOs and he did not recognize
23 them.

24 Tarango told me he did not remember keeping up with the property taxes and he did not
25 know there was a Notice of Power to Sell Tax Defaulted Property. He said he has been at this
26 facility for so long that no one has picked up or brought his mail to him. Tarango said he used to
27 have a car but doesn't know what happened to it. He also did not know about the quitclaim deed
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 and neither did his family and there is no attorney involved.

2 INTERVIEW WITH RICHARD QUINONES

3 I reviewed an interview done by _____ with Richard Quinones (hereafter
4 Quinones), neighbor of Eddie Tarango. Quinones said in summary that he met Jesus AGUAYO
5 approximately two years ago when he was living at his Downey residence of [REDACTED]
6 AGUAYO told him that he had bought the Tarango property at an auction. The owners passed
7 away and the property taxes had become delinquent. AGUAYO stated that he found out about
8 the delinquent taxes by looking up some tax records. AGUAYO stated that he won the "bid" and
9 had to pay the back taxes. AGUAYO told Quinones that he was an "investor" and lived in a
10 ranch near 29 Palms. AGUAYO made some repairs to the home and began renting it. Quinones
11 stated that he does not know how AGUAYO found the renters because he never saw a "For
12 Rent" sign on the property. AGUAYO drove a white van.

13 IVA MARQUETTE PROPERTY

14 INTERVIEW WITH ROY BRADSHAW

15 On August 29, 2006, I received a phone call from Roy Bradshaw (hereafter Bradshaw)
16 regarding his mother's, Iva Marquette, property which is 55.5 acres of vacant high desert land,
17 [REDACTED] The purpose of this call was to give me information
18 regarding the property and the situation with Sofia and Jesus AGUAYO (hereafter AGUAYO)
19 and also with J.A. Carr (hereafter Carr).

20 I spoke to _____ from the San Bernardino District Attorney's Office,
21 Bureau of Investigation and he said his office investigated Carr and on March 23, 2005, Carr and
22 three other subjects were arrested on 27 felony counts including real estate fraud, grand theft, and
23 filing false documents. On August 5, 2005, Carr and others were indicted and have appealed the
24 decision. Carr was involved in quit claim deeds, tax auctions on-line and in person, and would
25 lie to people who owned property taxes in order to get the deeds to their land.

26 Bradshaw said he is an attorney and the conservator of his mother's property. He
27 referenced the letter he wrote to the California Department of Consumer Affairs dated June 1,
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 2006.

2 He said his mother is very frail and fragile and suffers from paranoid schizophrenia.
3 Bradshaw said he found out about a year ago that the taxes were delinquent. He thought his
4 mother had paid the taxes, but in 2005 AGUAYO paid the taxes. Bradshaw went to the County
5 Assessor's office to complain and had to show his identification and certified letter of
6 conservatorship to change his mother's billing address.

7 On August 28, 2006, Bradshaw said he drove by his mother's property and someone had
8 put up a chain link fence about 4 feet high and a sign stating the owner was Carr. He said this
9 was the first time someone had tried to enclose the property. Bradshaw told me he has not
10 contacted Carr and won't until he sues Carr.

11 On September 7, 2006, Bradshaw called me again and told me he took the fence down
12 around his mother's property. The fence enclosed 100 by 100 feet of the 55 acre property.
13 Bradshaw told me again that AGUAYO has been paying the taxes and he does not know who
14 AGUAYO is. Bradshaw called me later to advise he had discovered a quit claim deed had been
15 filed on his mother's property from Jesus AGUAYO to Carr dated May 1, 2006.

16 **ANNE AND HAROLD CLAY PROPERTY**

17 **INTERVIEW WITH DENNIS CLAY**

18 On August 21, 2006, I spoke to Dennis Clay (hereafter Clay) regarding his parent's
19 property, Anne and Harold Clay, located at [REDACTED] Clay said
20 both of his parents have died and left no will. His father died about 10 years ago and the mother
21 7-8 years ago. Clay said he used to take care of his mother and used to visit her 3-5 times a day,
22 and helped his mother pay the house off. He has three sisters, Candy, Cindy and Melody. Clay
23 said the house was vacant for six years and he used to visit off and on, but has not been there in
24 two years. He used to make the tax payments, but is currently earning minimum wages and
25 could not afford the payments. He said the last tax bill he paid was about four years ago, and he
26 said Candy used to pick up the mail.

27 Clay told me that on July 11, 2006, his friend Glen Miller [REDACTED] drove by the
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 house and saw a light on. Clay said he remembered about 15-18 months ago, a male called him
2 and was interested in obtaining the house from Clay. This male told Clay they could sign
3 paperwork and he would give Clay a few thousand dollars for the house. Clay told the male he
4 felt uncomfortable with this offer and he would have to discuss it with his sisters. The male told
5 him that the sisters did not have to know and Clay told the male "no way", I am not leaving my
6 sisters out of a deal. Clay also told the male that he had another sister named Cindy who was in
7 Washington and he could not locate her.

8 Clay said he has never heard the names of Sofia and Jesus AGUAYO and did not know
9 they filed a deed in February 2006. He said that neither he nor his sisters gave any one
10 authorization to do anything with the house. Clay said his mother had no cars, there was a
11 camper in the driveway and the garage was full of items. He said it is a four bedroom house and
12 his mother had a 100 year old piano.

13 INTERVIEW WITH CINDY CLAY

14 On August 21, 2006, I spoke to Cindy Clay (hereafter C. Clay) regarding her parent's
15 property, Anne and Harold Clay, located at [REDACTED] C. Clay
16 said the last time she visited California was in 1995 when her mother died and that was the last
17 time she saw her family in California. She said her sister Candy used to pay the bills for the
18 house. She also said that she and Candy did not want any part of their mother's house. Both
19 sisters felt their brother Dennis should have the house because he took care of their mother. C.
20 Clay said she has been in Washington for the last 30 years and she would give her portion of the
21 house to Dennis.

22 C. Clay said no one has tried contacting her regarding her mother's home until
23 [REDACTED] contacted her. C. Clay also said she did not give any one authorization to
24 fix or do anything with the house.

25 INTERVIEW WITH MELODY SANFORD

26 On August 29, 2006, I called Melody Sanford (hereafter Sanford) at her home [REDACTED]

27 [REDACTED] The purpose of this call was to interview Sanford regarding his parent's property, Anne
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 and Harold Clay, located at [REDACTED] Sanford told me her mother
2 died in 1994 and at that time Sanford used to live in Bakersfield and use to travel back and forth
3 to deal with her mother's property. She said she and her sisters walked away from the house and
4 let her brother Dennis Clay (hereafter D. Clay) and his wife live there. He was in charge of
5 paying all the bills including the property taxes.

6 Sanford said that one day, D. Clay called to tell her someone was interested in buying
7 their parent's home and he told the caller the family could not locate their other sister Cindy in
8 Washington. Sanford said that D. Clay got a call from her mother's neighbor, Billie or Johnnie
9 Farmer (hereafter Farmer), who lives behind her mother's home in R5, and saw someone putting
10 a new roof on the Clay's home. When Farmer approached the people, they told Farmer that the
11 sister in Washington gave them permission to do the work.

12 Sanford said the home was full of furniture and most important, a beautiful hand made
13 dining room set made by her uncle about 55-60 years ago, family bibles and a gorgeous
14 refurbished 100 year old piano. Sanford said she was not aware of what the AGUAYO were
15 doing and did not know the property taxes were delinquent. She also was not aware that the
16 AGUAYOs had quit claimed her mother's home. Her other sister Candy Lienhard [REDACTED]
17 [REDACTED] does not understand what is going on, is scared and does not want to deal with this
18 situation. Sanford also told me that no one has tried contacting her regarding her mother's home
19 and she did not give any one authorization to fix or do anything with the house. She also has not
20 signed any documents regarding her mother's home.

21 ROSE HERNANDEZ PROPERTY

22 There is a quitclaim deed the AGUAYOs filed that was dated January 5, 2000 and
23 notarized on January 10, 2003. The property was quit claimed from Jesus Duran to Sofia
24 AGUAYO for a property belonging to Rose Hernandez located at [REDACTED]
25 [REDACTED] On September 21, 2006, our office received a letter from the City of Los
26 Angeles signed by [REDACTED]
27 This letter was in regards to the property of Rose Hernandez located at [REDACTED]
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 Angeles, CA 90003. Viramontes certifies that he is the custodian of records and after a diligent
2 search of City records, he can report that there is no deed transferring the aforementioned
3 property from the City of Los Angeles to either Sofia AGUAYO or Jesus Duran AGUAYO.

4 The city did hold a lien on the property secured by a "Deed by Board of Public Works of
5 the City of Los Angeles pursuant to the Los Angeles Municipal Code", recorded on September
6 27, 2002, as instrument No. [REDACTED] After the lien was paid, the City officially removed the
7 lien and recorded a quitclaim of the City's interest back to the original owners, Rose and Gilbert
8 Hernandez. At the time the quitclaim was recorded, May 12, 2003, Rose and Gilbert Hernandez
9 were still the owners of record for the subject property. At no time did the City of Los Angeles
10 transfer any interest in the property to either Sofia AGUAYO or Jesus Duran AGUAYO.

11 VEHICLES

12 The following is a list of vehicles that have been observed during surveillances to have
13 been used either by the listed suspects personally or used by other co-conspirators to facilitate the
14 commission of the fraud, and other crimes, or are registered to one of the listed suspects and is
15 to be searched. All vehicles, some are registered to the listed suspects, and some are not, are to
16 be searched to recover any possible evidence.

17 Plate	Model	Year
[REDACTED]	White Ford Van	2003
[REDACTED]	Honda	1992

19 Based on the facts set forth in this affidavit, I believe that probable cause exists to issue a
20 search warrant and that the property described in the search warrant can be found at the locations
21 described in the warrant, and that said property is seizable pursuant to California Penal Code
22 section 1524 P.C. for violations of sections 182 P.C. (Conspiracy), 487 P.C. (Grand theft),
23 12022.6 (a)(2) (Taking, damaging or destruction of property, during commission of a felony, loss
24 exceeding \$150,000.00), and violation of Penal Code Sections 459 P.C. (Residential Burglary),
25 115 P.C. (Filing False Documents), and 470 P.C. (Forgery) and Revenue and Taxation Code
26 Section 19705 and 19706 (Filing a False Tax Return).
27

28

Declaration in Support of Arrest Warrant and
Search Warrant

1 It is your affiant's opinion that the seizure of these items will provide evidence of the
2 events reported in this affidavit, and that the items have and will be used to aid in the
3 commission of the above described felonies.

4 It is your affiant's opinion that the seizure of these items, despite any lapse of time
5 between the events described and the anticipated search as result of this warrant, will provide
6 evidence of the events reported in this affidavit, and that the items have and will be used to aid in
7 the commission of the above described felonies.

8 **REQUEST FOR BANK NON-NOTIFICATION ORDER**

9 Government Code section 7475 authorizes the Court to order the financial institution on
10 which a search warrant for records is served to withhold notification to the account holder of the
11 receipt of the search warrant. To issue a non-notification order under that statute, the Court must
12 find that notification would impede the law enforcement agency's investigation.

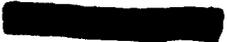
13 In this case the investigation described in the declaration in support of search warrant is
14 ongoing. The financial records acquired with the search warrant will be analyzed and evaluated,
15 and additional search warrants may be sought based on what is learned from these records.
16 Disclosure of the search warrant may impede the investigation by alerting the targets of the
17 investigation to the existence of the investigation, and by allowing the targets to intelligently
18 guess how close law enforcement authorities are to the truth. This would enable the targets to
19 destroy or alter evidence, threaten potential witnesses, and flee the jurisdiction.

20 I respectfully request that a non-notification order pending arrest be issued in the form of
21 the accompanying proposed order.//

22 **DESCRIPTION OF INDIVIDUAL DEFENDANTS**

23 **INDIVIDUAL DEFENDANT 1**

24 NAME: JESUS DURAN AGUAYO

25 A.K.A.: JESUS DURAN, JESUS AGUAYO
26 

27
28

Declaration in Support of Arrest Warrant and
Search Warrant

1 CII: [REDACTED]

2 CDL# [REDACTED]

3 LAST KNOWN ADDRESS: [REDACTED]

4 DESCRIPTION: Male, Hispanic, 52 yrs, 5'-08", 145 lbs, Black hair, Brown eyes

5 **INDIVIDUAL DEFENDANT 2**

6 NAME: SOFIA AGUAYO

7 DOB: [REDACTED]

8 CII: [REDACTED]

9 CDL#: [REDACTED]

10 LAST KNOWN ADDRESS: [REDACTED]

11 DESCRIPTION: Female, Hispanic, 52 yrs, 5'-02", 150 lbs, Black hair, Brown eyes

12 //

13 Based on this complaint and this declaration including the accompanying Affidavit in
14 support of issuance of a Search Warrant, I respectfully request that a warrant be issued for the
15 arrest of the defendants pursuant to Penal Code section 813 et seq.

16 //

17 **DECLARATION**

18 I declare under penalty of perjury that the foregoing is true and correct based on
19 information and belief. Executed on the 13th day of October 2006, at Los Angeles, California.

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21
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23 California Department of Justice
24 California Bureau of Investigation

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Declaration in Support of Arrest Warrant and
Search Warrant

1
2 ATTORNEY GENERAL CASE NO. 06-50057-01

3 SEARCH WARRANT NO.
4

5 STATE OF CALIFORNIA

6 SUPERIOR COURT OF THE COUNTY OF LOS ANGELES

7 **BANK NON-NOTIFICATION ORDER**
8

9
10 Good cause appearing from the declaration in support of search warrant that notification
11 to the account holder would impede a criminal investigation,

12 IT IS ORDERED that Bank of America and its directors, officers, employees and agents
13 shall not give notification, directly or indirectly, of the receipt of this search warrant to the
14 holders of accounts included within the warrant, nor shall disclosure of the existence of the
15 search warrant be made to any other person unless such disclosure is essential to comply with the
16 warrant and reasonable steps are taken to assure that the persons to whom disclosure is made do
17 not give such notification.

18
19 October 13, 2006
20 DATED



Stephen Mancuso
21 JUDGE OF THE SUPERIOR COURT
22
23
24
25
26
27
28

**ATTACHMENTS TO DECLARATION IN
SUPPORT OF ARREST WARRANT AND
SEARCH WARRANT FOR CASE 06-50057-01**

ATTACHMENT I - Quit Claim Deeds for Properties Mentioned in Affidavit

ATTACHMENT II - Roy Bradshaw, Conservator of the Person and of the
Estate of Iva Marquette

ATTACHMENT III- Department of Corrections Documents for Richard Infante

ATTACHMENT IV- Settlement Documents for Richard Dee's Property