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# The American dream lost

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Melissa Flores

## The American dream lost

A Nino agent listed the house on Clearview for \$229,000 after the owners became victims of fraud.



Posted: Friday, October 10, 2008 12:00 am

Melissa Flores | 0 comments

### Preacher charged with stealing homes from vulnerable owners

Angie Painter and her husband, Vernon, bought their home on Clearview Drive 37 years ago.

"It was the third house up there," Painter said. "There were orchards all around."

She and her husband raised a son there and in 2006, they refinanced their home through the New Century Title Co. in Campbell.

Yvonne Landa purchased her Milpitas home from her parents in 1976. She lived there with two developmentally disabled sisters, and paid the mortgage with her own disability check and money she received as conservator for her sisters until 2004 when she started struggling financially.

Gerald Finney and his wife purchased their San Jose home in 1984. They worked together on the home, improving it each year. In 1992, their daughter was born and Finney discovered his wife had breast cancer. His wife died in the dining room of their home in May 1996. Since then, he has cared for his daughter on his own, but financial problems in 2004 put him in danger of losing his home.

Finney, Landa and Painter have never met but they have one thing in common – Wesley Fort.

Wesley Fort, the senior pastor of the Hollister Newlife Family Worship Center Church of God in Christ International, has been charged with 13 felony counts of real estate fraud in Santa Clara County.

Fort and his wife, Mary Bains-Fort, also a pastor for Newlife Family Worship, have been working with Mary's brother Dante Bains to offer transitional housing at the old Hazel Hawkins building on Monterey Street. The building, owned by Bains, is not zoned for residential as reported in the Pinnacle Sept. 19. In addition, one resident was charged up to \$750 a month for rent and alleges she was encouraged to commit fraud by taking out a business license so that city staff would think the space was being used for commercial purposes.

Fort did not return a call for comment before press time.

Fort was arrested on March 21 and subsequently released on \$100,000 bail. His next court appearance is Wednesday, Oct. 15, in Santa Clara County Superior Court.

### Refinancing gone wrong

In 2006, Painter received an unexpected call from an FBI agent.

"Do you know a Wesley Fort?" he asked and I said, "That's funny you should ask that because we keep getting mail for him and we don't know

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who he is," Painter said.

Wesley Fort's name had shown up on the deed to their Clearview Drive home. The FBI agent encouraged the Painters to file a police report. Painter alleges that Fort was in on a scam with the mortgage broker and escrow officer at New Century Title Co., and that they removed her and her husband's name from the documents after they left the title office and replaced them with Fort's name.

The case never went to trial, and though the title company returned the deed of the home to the Painters, they still lost the home. The home had been used as collateral for a \$407,000 loan that was not in the Painters' names, and they couldn't afford the payments. Though they tried to sell their home, with the real estate market tumbling they could not get enough to cover the cost of the loan. They moved out and allowed the home to go into foreclosure.

"It's one thing to have to leave your home because you couldn't pay the mortgage," Painter said. "But to be forced out because of a scam like this is something you can't explain."

The house remains empty and an agent for Nino Homes has listed the home for \$229,900.

"We raised our son there," Painter said. "Our life was there. It was a beautiful home. We put in hardwood floors. I keep thinking it is a dream and I'm going to wake up."

Officer Rosie Betanio, the personnel and community resource officer for the Hollister Police Department, said calls on real estate fraud in Hollister are few and far between.

"At least through the cases I've seen, we haven't dealt with a lot," Betanio said. "We are aware of it, but we take [the cases] as the calls come in. If people want to report it, we are more than happy to assist them with it."

She said some people may not report real estate fraud because they are not aware they've been a victim of it.

The San Benito County District Attorney's office staff did not return calls for a comment on real estate fraud by press time.

### Milpitas resident haunted by experience

In Santa Clara County, Fort faces three charges of unlawfully acquiring an interest in a residence in foreclosure – Landa and Finney's properties, as well as the home of Ronnie Rocha in San Jose. He is also charged with three counts of making untrue and misleading statements concerning the sale of a residence in foreclosure. In addition, he is facing three charges of obtaining money or property by false pretenses. Other charges include grand theft of personal property at a value of more than \$400,000, and three counts of forging of an instrument other than a check or money order for forging a grant deed.

Landa and Finney both filed complaint forms with the Real Estate Fraud Unit in the Santa Clara County District Attorney's Office. In their hand-written explanations and in witness interviews they recount similar tales of their dealings with Fort.

"Wesley Fort knocked on my door offering to help keep my home," Finney wrote in his complaint form. "I agreed to pay \$4,000 p/month for 1 year while my credit was repaired."

Landa met Fort in a similar fashion when he showed up at her door claiming to be a foreclosure consultant. Fort has never had a real estate license in California and neither has his wife Mary Bains-Fort, according to the California Department of Real Estate archives. In both cases, the property owners were told they needed to sign over their deed to Fort who would return it to them in a year.

At first, Fort told Landa she would pay \$1,200 a month, but when he came to collect the first month's payment – always required in cash or a money order – he asked for \$3,000.

"He said that's what the payments are going to be," Landa wrote in her complaint.

Eventually, Fort told her an appraiser would be coming by to look at the house. When Landa asked if Fort was trying to sell the house out from under her she said he said, "Oh no! I wouldn't do that. I'm a preacher. I've told you, haven't I?"

Landa alleges that Mary Bains-Fort was often the one to pick up the monthly payments, though Bains-Fort has not been charged.

"Mary Bains-Fort told Landa that Wesley Fort was stressed because Landa's payments were made on the third of the month, not the first," according to the written statement by Officer Norman Levy based on a witness interview with Landa. "Because of the late payments Wesley Fort required therapy."

Eventually Fort allegedly told her an appraiser would be out to look at the house because "he needed to refinance the property again to pay the property taxes and the late monthly payments."

Fort sold the house to Teresa Mangaoang, a San Jose resident he had met through other real estate dealings, according to a witness interview with Levy. Mangaoang told Levy that Fort had told her he was evicting Landa from the Milpitas home. When Mangaoang went to the home, she said Landa informed her she had filed a case against Mangaoang to keep the house. Mangaoang and her family never moved into the home. Landa's lawyer estimates Landa lost \$638,000, based on the sale of the home and loss of equity.

### A similar tale for San Jose man

Gerald Finney at first trusted Fort because he was a church minister, Finney told Levy in a witness interview. He sold the house to Fort with the understanding that in a year he would get it back.

The paperwork on Finney's home was completed by an escrow officer at the New Century Title Co., the same firm where Painter refinanced her home.

The Commonwealth Land Title Co. took over New Century in 2006, according to an interview by Levy with branch manager Pamela Mannia. The escrow officer who worked with Fort, Tommy Jackson, has since been laid off. When Mannia reviewed the files on Finney's home, she estimated Fort paid just \$500 for the property.

Finney's monthly payments to Fort were \$4,000. He became concerned when more than a year had passed, and Fort allegedly told him it was

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21	22	23	24	25	26	27
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taking a lot longer to repair Finney's credit than expected.

A summons arrived for Fort at Finney's house that described a similar situation to the one Finney was in. Fort had not kept up the loan he had on Finney's house and it has since been foreclosed.

"I have a daughter in school with friends she's grown up with and I have continued to work on the house believing I was going to get it back," Finney wrote in his complaint. "... I don't want anything for free, just a chance to get a new loan so I can at least leave my girl a home to live in."

**Avoid mortgage loan fraud**

For information on how to avoid mortgage fraud, visit the U.S. Department of Housing and Urban Development at [www.hud.gov/offices/hsg/sfh/buying/loanfraud.cfm](http://www.hud.gov/offices/hsg/sfh/buying/loanfraud.cfm).

Below are some tips:

- Before you buy a home, attend a homeownership education course offered by the U.S. Department of Housing and Urban Development (HUD)-approved, non-profit counseling agencies (see list on Web site).
- Interview several real estate professionals (agents), and ask for and check references before you select one to help you buy or sell a home.
- Get information about the prices of other homes in the neighborhood. Don't be fooled into paying too much.
- Hire a properly qualified and licensed home inspector to carefully inspect the property before you are obligated to buy. Determine whether you or the seller is going to be responsible for paying for the repairs. If you have to pay for the repairs, determine whether you can afford to make them.
- Shop for a lender and compare costs. Be suspicious if anyone tries to steer you to just one lender.
- Do not let anyone persuade you to make a false statement on your loan application, such as overstating your income, the source of your down payment, failing to disclose the nature and amount of your debts, or even how long you have been employed. When you apply for a mortgage loan, every piece of information that you submit must be accurate and complete. Lying on a mortgage application is fraud and may result in criminal penalties.
- Do not let anyone convince you to borrow more money than you know you can afford to repay. If you get behind on your payments, you risk losing your house and all of the money you put into your property.
- Never sign a blank document or a document containing blanks. If information is inserted by someone else after you have signed, you may still be bound to the terms of the contract. Insert "N/A" (i.e., not applicable) or cross through any blanks.
- Read everything carefully and ask questions. Do not sign anything that you don't understand. Before signing, have your contract and loan agreement reviewed by an attorney skilled in real estate law, consult with a trusted real estate professional or ask for help from a housing counselor with a HUD-approved agency. If you cannot afford an attorney, take your documents to the HUD-approved housing counseling agency (locations listed on Web site) near you to find out if they will review the documents or can refer you to an attorney who will help you for free or at low cost.
- Be suspicious when the cost of a home improvement goes up if you don't accept the contractor's financing.
- Be honest about your intention to occupy the house. Stating that you plan to live there when, in fact, you are not (because you intend to rent the house to someone else or fix it up and resell it) violates federal law and is a crime.

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Melissa Flores City Editor



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