

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE COAR

UNITED STATES OF AMERICA)

v.)

MELVIN D. VAN ALLEN, JR.)

05CR 914

MAGISTRATE JUDGE BROWN

) Violations: Title 18,
) United States Code, Sections
) 152(2), 152(3), and 2;
) Title 31, United States Code,
) Section 5324

COUNT ONE

The SPECIAL MAY 2004 Grand Jury charges:

1. At times material to this indictment:

(a) Defendant MELVIN D. VAN ALLEN, JR. and his wife had a checking account at TCF Bank over which they both had signatory authority.

(b) Defendant MELVIN D. VAN ALLEN, JR. and his wife had a checking account at Bridgeview Bank & Trust over which they both had signatory authority.

(c) Defendant MELVIN D. VAN ALLEN, JR. owned and operated a business that purchased and resold used automobile parts.

(d) A bankruptcy case was begun by the filing of a bankruptcy petition in the Bankruptcy Court, and the person who files a bankruptcy petition is a "debtor" under federal bankruptcy law. Chapter 7 of the Bankruptcy Code (Title 11, United States Code) provided that individual debtors without adequate income or assets to pay their debts could petition the United States Bankruptcy Court to obtain a discharge of their debts.

(e) Upon the filing of a bankruptcy petition, a debtor was required by law to fully disclose

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

his interest in all assets, including real or personal property and tangible or intangible property, whether or not the asset was held in the debtor's name or held in the name of another person or entity on behalf of the debtor. The debtor was also required to disclose all liabilities and debts owed to creditors. The assets and the liabilities of the debtor comprised what was called the debtor's "bankruptcy estate."

(f) The means by which the debtor was required to disclose his assets and liabilities was in schedules and in a bankruptcy form called "Statement of Financial Affairs," which were signed by the debtor under penalty of perjury and filed with the bankruptcy court. Among the schedules that the debtor was required to complete and to file under penalty of perjury were Schedule A, Real Property, and Schedule B, Personal Property, and on those filings to disclose truthfully certain information, including all gross income and all sources of income from the beginning of the calendar year to the date of filing of the bankruptcy and all real and personal property in which the debtor held any legal, equitable, or future interest.

(g) The United States Trustee supervises the administration of cases and bankruptcy trustees in cases under Title 11.

(h) The bankruptcy trustee is assigned by the United States Trustee and is responsible for the administration of the debtor's bankruptcy estate, including the liquidation of assets and the distribution of proceeds to creditors.

(i) In Chapter 7 liquidation, a debtor was required to turn all of his non-exempt assets over to a bankruptcy trustee and to report all of his debts. The bankruptcy trustee was then required to liquidate or sell all of the assets and to distribute the proceeds to the debtor's reported creditors. After entry of the discharge of all debts, the creditors were prohibited from attempting to collect their

claims from the debtor. The privilege of discharge depended, in part, upon the debtor's disclosure of a true and accurate picture of his financial affairs.

(j) Section 341 of the Bankruptcy Code required each debtor to appear at the first meeting of creditors, where creditors are allowed to appear and question the debtor under oath about relevant matters.

2. In or about August 1986, in the Northern District of Illinois, Eastern Division, defendant MELVIN D. VAN ALLEN, JR., and his wife purchased a single-family residence located at 8032 West 85th Place, in Justice, Illinois (the "85th Place property"). On or about August 11, 1992, they placed title to the 85th Place property in a land trust entitled Bridgeview Bank & Trust Company Trust No. 1-2107 ("Trust No. 1-2107"). Defendant MELVIN D. VAN ALLEN, JR. and his wife were the beneficiaries of Trust No. 1-2107. Under the terms of the trust, the beneficial interest of defendant MELVIN D. VAN ALLEN, JR. in the 85th Place property was as a joint tenant with his wife, with rights of survivorship. The 85th Place property remained in Trust No. 1-2107 during 2003 and 2004.

3. On or about January 28, 2000, defendant MELVIN D. VAN ALLEN, JR. obtained a mortgage loan in the amount of approximately \$62,000 from Champion Mortgage. As part of the mortgage loan transaction, defendant MELVIN D. VAN ALLEN, JR. and his wife executed a collateral assignment of beneficial interest in Trust No. 1-2107 to Champion Mortgage.

4. On or about January 28, 2004, at Chicago, Illinois, in the Northern District of Illinois, Eastern Division, defendant MELVIN D. VAN ALLEN, JR. filed a Voluntary Petition for Bankruptcy under Chapter 7 of the Bankruptcy Code (Title 11, United States Code). The case was denominated: *In re Melvin D. Van Allen, Jr.*, No. 04 B 3232.

5. On or about January 28, 2004, in the Northern District of Illinois, Eastern Division, and elsewhere,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when on Schedule A of his bankruptcy petition, which required defendant to list any real property he had and the nature of defendant's interest in the real property, defendant falsely stated "None," well knowing that he had a beneficial interest in the 85th Place property under Trust No. 1-2107;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT TWO

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about January 28, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when on Schedule B of his bankruptcy petition, Personal Property, which required defendant to list personal property he had and the nature of defendant's interest in the personal property, including any checking, savings, or other financial accounts, defendant falsely stated that the only bank account in which he had an interest was the account at Archer Bank, well knowing that he had an interest in TCF Bank account held in his name;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT THREE

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about January 28, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when on Schedule B of his bankruptcy petition, personal property, which required defendant to list personal property he had and the nature of defendant's interest in the personal property, including any checking, savings, or other financial accounts, defendant falsely stated that the only bank account in which he had an interest was the account at Archer Bank, well knowing that he had an interest in a Bridgeview Bank & Trust account;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT FOUR

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.
2. On or about January 28, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when on Schedule I of his bankruptcy petition, which directs the debtor to list, among other things, regular income from the operation of a business, defendant MELVIN D. VAN ALLEN, JR. fraudulently omitted and failed to disclose income he received from the operation of his automobile parts business;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT FIVE

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about January 28, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when on Schedule J of his bankruptcy petition, which directs the debtor to list, among other things, regular expenses from the operation of a business, defendant MELVIN D. VAN ALLEN, JR. fraudulently omitted and failed to disclose expenses he incurred from the operation of his automobile parts business;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT SIX

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about January 28, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under penalty of perjury, in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, when in response to Question 1 of the statement of financial affairs of said petition, which required the debtor to "state the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date of this case was commenced" and to "[s]tate also the gross amounts received during the two years immediately preceding this calendar year" defendant MELVIN D. VAN ALLEN, JR. fraudulently omitted and failed to disclose his gross income from the operation of his automobile parts business for 2004, 2003, or 2002;

In violation of Title 18, United States Code, Sections 152(3) and 2.

COUNT SEVEN

The SPECIAL MAY 2004 GRAND JURY further charges:

1. Paragraphs 1 through 5 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about March 3, 2004, at Chicago in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a material false oath or account in and in relation to a case under Chapter 7, Title 11, United States Code, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, in that at a Section 341 Meeting of the Creditors, defendant falsely answered the following question:

Q: Do you own your home?

A: No, I do not.

when in truth and in fact, defendant had a beneficial interest in the 85th Place Property;

In violation of Title 18, United States Code, Sections 152(2) and 2.

COUNTS EIGHT THROUGH THIRTY-TWO

The SPECIAL MAY 2004 GRAND JURY further charges:

On or about the dates set forth below, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MELVIN D. VAN ALLEN, JR.,

defendant herein, did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and regulations prescribed thereunder, including 31 C.F.R §§ 103.22, 103.27, and 103.28, structure and assist in structuring transactions with Archer Bank by causing the deposit of United States currency in amounts under \$10,000.00, in separate transactions at one or more branches of Archer Bank as set forth below, each group of transactions conducted on a single date constituting a separate offense, and did so as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period commencing on or about July 1, 2003:

Count	Date	Branch	Deposit Amounts	Total
Eight	July 17, 2003	Bridgeview - 82 nd	\$5,660.00	\$15,565.00
		Bridgeview - 82 nd	\$2,480.00	
		Bridgeview - 82 nd	\$3,375.00	
		Bridgeview - 82 nd	\$4,050.00	
Nine	August 25, 2003	Bridgeview - 82 nd	\$2,425.00	\$14,615.00
		Bridgeview - 82 nd	\$4,880.00	
		Bridgeview - 82 nd	\$7,310.00	
Ten	September 18, 2003	Bridgeview - 82 nd	\$7,580.00	\$17,640.00
		Bridgeview - 82 nd	\$2,640.00	
		Bridgeview - 82 nd	\$3,480.00	
		Bridgeview - 82 nd	\$3,940.00	
Eleven	October 29, 2003	Bridgeview - 82 nd	\$5,040.00	\$16,855.00
		Bridgeview - 82 nd	\$5,240.00	
		Bridgeview - 82 nd	\$2,770.00	
		Bridgeview - 82 nd	\$3,805.00	

Count	Date	Branch	Deposit Amounts	Total
Twelve	November 12, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$3,650.00 \$5,455.00 \$4,810.00	\$13,915.00
Thirteen	December 2, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$5,560.00 \$3,030.00 \$3,500.00	\$12,090.00
Fourteen	December 10, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$8,280.00 \$1,815.00 \$2,720.00 \$3,860.00	\$16,675.00
Fifteen	December 12, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$2,055.00 \$4,000.00 \$1,950.00 \$6,995.00	\$15,000.00
Sixteen	December 19, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$3,020.00 \$7,965.00 \$3,020.00 \$7,380.00	\$21,385.00
Seventeen	December 30, 2003	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$2,900.00 \$7,860.00 \$2,485.00 \$3,860.00	\$17,105.00
Eighteen	January 7, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$4,620.00 \$5,180.00 \$4,855.00	\$14,655.00
Nineteen	January 9, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$6,890.00 \$7,880.00 \$5,110.00	\$19,880.00
Twenty	January 16, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Motor Bank	\$3,940.00 \$8,120.00 \$2,130.00 \$2,520.00	\$16,710.00
Twenty-One	January 23, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Garfield	\$7,410.00 \$8,065.00 \$4,260.00	\$19,735.00

Count	Date	Branch	Deposit Amounts	Total
Twenty-Two	January 27, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd	\$4,800.00 \$8,860.00 \$4,940.00	\$18,600.00
Twenty-Three	January 30, 2004	Hickory Hills Hickory Hills Motor Bank Motor Bank	\$1,820.00 \$8,155.00 \$7,880.00 \$6,510.00	\$24,365.00
Twenty-Four	February 5, 2004	Bridgeview - 82 nd Hickory Hills Bridgeview - 82 nd Kedzie	\$3,900.00 \$7,630.00 \$5,015.00 \$3,410.00	\$19,955.00
Twenty-Five	February 10, 2005	Bridgeview - 82 nd Hickory Hills Garfield Ridge	\$8,020.00 \$7,910.00 \$4,895.00	\$20,825.00
Twenty-Six	February 19, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Bridgeview - 82 nd Hickory Hills	\$8,225.00 \$8,550.00 \$5,505.00 \$5,265.00	\$27,545.00
Twenty-Seven	March 3, 2004	Bridgeview - 82 nd Hickory Hills Bridgeview - 82 nd Garfield Ridge	\$7,005.00 \$6,740.00 \$5,320.00 \$6,730.00	\$25,795.00
Twenty-Eight	March 4, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Hickory Hills Hickory Hills	\$6,020.00 \$6,160.00 \$4,620.00 \$6,025.00	\$22,825.00
Twenty-Nine	March 10, 2004	Bridgeview - 82 nd Garfield Ridge Hickory Hills Bridgeview - 82 nd Bridgeview - 82 nd	\$7,840.00 \$5,770.00 \$7,340.00 \$2,310.00 \$5,055.00	\$28,315.00

Count	Date	Branch	Deposit Amounts	Total
Thirty	March 16, 2004	Bridgeview - 82 nd Bridgeview - 82 nd Hickory Hills Summit Bridgeview - 82 nd Summit	\$2,005.00 \$8,135.00 \$2,140.00 \$6,040.00 \$3,530.00 \$7,780.00	\$29,630.00
Thirty-One	April 2, 2004	Bridgeview - 82 nd Hickory Hills Hickory Hills Motor Bank Summit	\$7,950.00 \$3,750.00 \$7,265.00 \$2,410.00 \$6,780.00	\$28,155.00
Thirty-Two	April 15, 2004	Bridgeview - 82 nd Garfield Ridge Hickory Hills Summit Bridgeview - 82 nd	\$2,220.00 \$6,320.00 \$5,460.00 \$6,150.00 \$7,840.00	\$27,900.00

All in violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2); and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

The SPECIAL MAY 2004 GRAND JURY alleges:

1. The allegations of Counts Eight through Thirty-Two of this Indictment are realleged and incorporated by reference as if fully restated herein for the purpose of alleging that certain property is subject to forfeiture to the United States, pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

2. As a result of his violations of Title 31, United States Code, Section 5324, as alleged in the foregoing Indictment,

MELVIN D. VAN ALLEN, JR.,

defendant herein, shall forfeit to the United States, pursuant to Title 31, United States Code, Section 5317, any and all right, title, and interest he may have in any property, real and personal, involved in the structuring offenses, which property is subject to forfeiture pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

3. The interests of the defendant subject to forfeiture to the United States pursuant to Title 31, United States Code, Section 5317(c)(1)(A), include, but are not limited to:

a. \$505,735, which represents property involved in the offenses charged in the Indictment.

4. By virtue of the commission of the offenses charged in Counts Eight through Thirty-Two of this Indictment by the defendant, all right, title or interest that defendant has in the above-described property is vested in the United States and hereby forfeit pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

5. If any of the property described above as being subject to forfeiture pursuant to Title

31, United States Code, Section 5317(c)(1)(A), as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 31, United States Code, Section 5317(c)(1)(B).

All pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

A TRUE BILL:



FOREPERSON



UNITED STATES ATTORNEY

NO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.
MELVIN D. VAN ALLEN, JR.

I N D I C T M E N T

Violation(s): 18 U.S.C. §152(2), 152(3), and 2
31 U.S.C. §5324

A True Bill

EW

Foreman

Filed in open court this 12th day of November, A.D. 1985

MICHAEL W. DOBINS

Clerk

Anna Reagan

Bail, \$ _____