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**Theft of JR's Escrow Funds Totaling \$1,295,303; Crime #1**

**A. The Facts**

**1. Cadle Stole \$1,295,303 From JR, as Part of the Criminal Conspiracy Described Herein**

1. As described herein, Cadle stole all of the rental payments that were paid to Cadle, from JR's 28 Rental Properties as either the nominated escrow agent (2004-2006) (Part A-2-a herein) or as the mortgagee-in-possession (2007-2010) (Parts A-2-b and A-2 c herein), for all of the real estate taxes related to the 28 Rental Properties that were owned by JR (the "Escrow Real Estate Tax Fund").

2. The years involved, when no real estate taxes were paid by Cadle for any of JR's Rental Properties, were 2004, 2005, 2006, 2007, 2008, 2009 and 2010 (i.e., more than a 2,556 day period).

3. Also there were no taxes paid in 2011, 2012, 2013 and 2014 related to 11 of JR's Rental Properties, as described in Part A-2-d herein.

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4. The total amount of the unpaid real estate taxes, as shown below, is equal to \$760,669 and with accrued interest to current date of \$534,634 the total amount stolen totals \$1,295,303 as set forth below:

	<b>Address</b>	<b>Taxes</b>	<b>Interest</b>	<b>Total</b>
1.	447 Monument Avenue, Wyoming, PA	27,411.25	20,342.01	47,753.26
2.	73 Brazil Street, Wilkes-Barre, PA	17,211.48	13,000.35	30,211.83
3.	845 N. Pennsylvania Avenue, Wilkes Barre, PA	21,471.08	16,067.81	37,538.89
4.	31 Orchard Street, Wilkes-Barre, PA	23,357.04	18,632.40	41,989.44
5.	51 Susquehanna Street, Wilkes-Barre, PA	14,985.03	11,732.84	26,717.87
6.	58 Marlborough Street, Wilkes-Barre, PA	22,648.69	17,551.35	40,200.04
7.	73 Corlear Street, Wilkes-Barre, PA	30,898.71	23,550.26	54,448.97
8.	54 Gates Street, Wilkes-Barre, PA	22,697.63	18,249.83	40,947.46
9.	75 Butler Street, Forty Fort, PA	21,436.61	16,138.03	37,574.64
10.	67 Union Street, Kingston, PA	26,773.74	19,622.25	46,395.99
11.	52 S. Atherton Avenue, Kingston, PA	31,775.38	24,118.56	55,893.94
12.	129 Third Avenue, Kingston, PA	18,089.85	13,795.66	31,885.51
13.	25 Third Avenue, Kingston, PA	18,002.23	13,265.22	31,267.45
14.	85 First Avenue, Kingston, PA	37,032.92	27,896.32	64,929.24
15.	40 W. Center Street, Shavertown, PA	18,493.51	12,833.17	31,326.68
16.	7 Oak Street, Plains Township, PA	24,106.28	16,653.05	40,759.33
17.	1-3 Oak Street, Plains Township, PA	23,715.31	17,563.37	41,278.68
18.	6 Monroe Street, Wilkes-Barre, PA	20,098.22	13,791.67	33,889.89
19.	31 Academy Street, Wilkes-Barre, PA	33,172.32	24,577.45	57,749.77
20.	64 W. Ross Street, Wilkes-Barre, PA	37,843.82	28,146.57	65,990.39
21.	65 Third Avenue, Kingston, PA	50,887.86	31,075.51	81,963.37
22.	245 St. Clair Street, Wilkes-Barre, PA	23,238.36	13,807.95	37,046.31
23.	244 St. Clair Street, Wilkes-Barre, PA	26,733.84	15,887.70	42,621.54
24.	235 North Main Street, Wilkes-Barre, PA	23,318.23	13,618.99	36,937.22
25.	237 North Main Street, Wilkes-Barre, PA	27,990.79	18,091.18	46,081.97
26.	440 S. Franklin Street, Wilkes-Barre, PA	60,986.37	38,752.79	99,739.16
27.	401 E. Main Street, Plymouth, PA	27,388.22	17,074.16	44,462.38
28.	22 Sullivan Street, Wilkes-Barre, PA	<u>28,904.27</u>	<u>18,797.72</u>	<u>47,701.99</u>
		<b>760,669.04</b>	<b>534,634.18</b>	<b>1,295,303.22</b>

5. During 2006, the last year JR managed his above 28 Rental Properties, JR's 28 Rental Properties had the following income and operating expenses:

	<b>Cadle Properties Totals</b>
<b>Rental Income</b>	\$ 399,877.80
<b>Expenses:</b>	
<b>Administration Expenses</b>	
Payroll Wages	33,776.89
Payroll Taxes	2,967.30
Bank Charges/Credit Checks	3,946.61
Inspections	159.35
Office Supplies	2,624.10
Telephone	1,774.57
<b>Maintenance/Cleaning</b>	
Payroll Wages	32,331.08
Payroll Taxes	3,386.18
Supplies	59,227.32
Automotive	3,291.88
Advertising	8,351.13
Legal & Accounting	7,532.90
Insurance	30,866.44
Utilities:	43,397.52
<b>Total Expenses</b>	<b>233,633.28</b>
<b>Net Operating Income</b>	<b>\$ 166,244.52</b>
<b>(before Taxes and Debt Service)</b>	
Real Estate Taxes	93,805.00
<b>Net Operating Income before Debt Service</b>	<b>\$ 72,439.78</b>

6. Also, related to JR's above 28 Rental Properties, at the time that Cadle had taken over the management of JR's 28 Rental Properties, JR's occupancy rate of all of the above 28 Rental Properties was 97.3% when the normal occupancy rate in the community was 90%.

7. Because of all of the above, there was no conceivable justification as to why Cadle did not use a portion of JR's net rental income from his 28 Rental Properties to pay for all of the real estate taxes related to same.

**2. Specific Acts by the Criminal Defendants; Crime #1**

- a. During 2004, 2005 and 2006, Cadle, as Escrow Agent, Stole \$557,161 by Not Paying any Real Estate Taxes Related to JR's Rental Properties from the Tax Funds Paid to Them Monthly**

8. More specifically, during 2004, 2005 and 2006, Cadle, as escrow agent, stole all of JR's rental income funds that were paid to Cadle as an escrow agent, for Cadle to have then remitted same to the TCB.

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9. Therefore, Cadle never paid any of JR's Real Estate Tax Escrow Funds for real estate taxes related to JR's Rental Properties, during any of the above years, in violation of Cadle's contractual obligation to do so, as follows:

		<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Total</b>
1.	447 Monument Avenue, Wyoming, PA	3,843.05	3,612.69	3,841.21	11,296.95
2.	73 Brazil Street, Wilkes-Barre, PA	2,449.85	2,306.36	2,490.89	7,247.10
3.	845 N. Pennsylvania Avenue, Wilkes Barre, PA	2,743.38	2,927.68	3,088.34	8,759.40
4.	31 Orchard Street, Wilkes-Barre, PA	3,833.73	3,665.59	3,804.37	11,303.69
5.	51 Susquehanna Street, Wilkes-Barre, PA	2,361.53	2,219.13	2,382.17	6,962.83
6.	58 Marlborough Street, Wilkes-Barre, PA	3,430.88	3,254.72	3,404.96	10,090.56
7.	73 Corlear Street, Wilkes-Barre, PA	4,632.22	4,224.75	4,346.88	13,203.85
8.	54 Gates Street, Wilkes-Barre, PA	3,797.08	3,629.49	3,768.98	11,195.55
9.	75 Butler Street, Forty Fort, PA	3,090.17	2,922.71	3,117.43	9,130.31
10.	67 Union Street, Kingston, PA	3,568.56	3,412.32	3,601.49	10,582.37
11.	52 S. Atherton Avenue, Kingston, PA	4,687.14	4,513.93	4,685.92	13,886.99
12.	129 Third Avenue, Kingston, PA	2,708.71	2,565.50	2,770.14	8,044.35
13.	25 Third Avenue, Kingston, PA	2,449.97	2,310.71	2,520.01	7,280.69
14.	85 First Avenue, Kingston, PA	5,318.71	5,135.92	5,293.58	15,748.21
15.	40 W. Center Street, Shavertown, PA	2,255.28	2,087.61	2,371.28	6,714.17
16.	7 Oak Street, Plains Township, PA	2,737.59	2,565.47	2,760.92	8,063.98
17.	1-3 Oak Street, Plains Township, PA	3,319.88	3,132.42	3,315.40	9,767.70
18.	6 Monroe Street, Wilkes-Barre, PA	2,363.66	2,221.59	2,408.40	6,993.65
19.	31 Academy Street, Wilkes-Barre, PA	4,018.26	3,971.58	3,977.97	11,967.81
20.	64 W. Ross Street, Wilkes-Barre, PA	4,764.94	4,579.98	4,686.68	14,031.60
21.	65 Third Avenue, Kingston, PA	4,519.72	4,349.05	4,521.11	13,389.88
22.	245 St. Clair Street, Wilkes-Barre, PA	1,903.77	1,754.76	1,955.18	5,613.71
23.	244 St. Clair Street, Wilkes-Barre, PA	2,182.80	2,043.43	2,233.56	6,459.79
24.	235 North Main Street, Wilkes-Barre, PA	2,296.27	1,802.26	2,005.03	6,103.56
25.	237 North Main Street, Wilkes-Barre, PA	2,724.02	2,573.66	2,738.66	8,036.34
26.	440 S. Franklin Street, Wilkes-Barre, PA	5,981.62	5,774.99	5,699.28	17,455.89
27.	401 E. Main Street, Plymouth, PA	2,487.24	2,344.91	2,640.96	7,473.11
28.	22 Sullivan Street, Wilkes-Barre, PA	<u>3,381.52</u>	<u>3,221.22</u>	<u>3,373.94</u>	<u>9,976.68</u>
		<b>93,851.55</b>	<b>89,124.43</b>	<b>93,804.74</b>	<b>276,780.72</b>

10. Further, the accumulated interest in reference to each of the above amounts, to current date, for each of the following years, is as follows:

	2004	2005	2006	Total
Interest	\$ 108,392.91	\$89,985.49	\$ 82,001.94	\$ 280,380.34

11. Finally, the total amount of unpaid real estate taxes for the above 28 Rental Properties, in addition to the amount of the accumulated interest related thereto, is set forth below:

	2004	2005	2006	Total
a. Unpaid R.E. Taxes	\$ 93,851.55	\$ 89,124.43	\$ 93,804.74	\$276,780.72
b. Interest	<u>108,392.91</u>	<u>89,985.49</u>	<u>82,001.94</u>	<u>280,380.34</u>
c. Total	<u>\$202,244.46</u>	<u>\$179,109.92</u>	<u>\$175,806.68</u>	<u>\$557,161.06</u>

- b. During 2007 and 2008, Cadle, This Time Acting as a Mortgagee-in-Possession, Stole \$284,008 by Not Paying any Real Estate Taxes Related to JR's Rental Properties from the Net Rental Income of JR's 28 Rental Properties**

12. Cadle had the above obligation, per the Order of the former judge Ann Lokuta ("Lokuta"), which Order appointed Cadle as the mortgagee-in-possession of JR's Rental Properties.

13. Lokuta was removed as a judge by Order of the Pennsylvania Supreme Court on December 8, 2008, because of an incredible amount of improprieties, even involving some of her rulings in regard to JR.



14. In the above capacity, Cadle again stole all of JR's rental funds over a two-year period. Cadle, as mortgagee-in-possession, was obligated to use those funds to pay the real estate taxes related to JR's 28 Rental Properties, as follows:

	<b>Address</b>	<b>2007</b>	<b>2008</b>	<b>Total</b>
1.	447 Monument Avenue, Wyoming, PA	\$ 3,534.16	\$ 3,474.96	\$ 7,009.12
2.	73 Brazil Street, Wilkes-Barre, PA	2,137.52	2,079.68	4,217.20
3.	845 N. Pennsylvania Avenue, Wilkes-Barre, PA	2,708.80	2,656.45	5,365.25
4.	31 Orchard Street, Wilkes-Barre, PA	3,397.05	3,327.76	6,724.81
5.	51 Susquehanna Street, Wilkes-Barre, PA	2,052.76	2,021.18	4,073.94
6.	58 Marlborough Street, Wilkes-Barre, PA	3,012.71	2,951.82	5,964.53
7.	73 Corlear Street, Wilkes-Barre, PA	3,918.49	3,836.28	7,754.77
8.	54 Gates Street, Wilkes-Barre, PA	3,362.83	3,293.86	6,656.69
9.	75 Butler Street, Forty Fort, PA	2,753.05	2,668.14	5,421.19
10.	67 Union Street, Kingston, PA	3,222.83	3,121.31	6,344.14
11.	52 S. Atherton Avenue, Kingston, PA	4,268.32	4,126.59	8,394.91
12.	129 Third Avenue, Kingston, PA	2,419.14	2,348.56	4,767.70
13.	25 Third Avenue, Kingston, PA	2,177.33	2,116.05	4,293.38
14.	85 First Avenue, Kingston, PA	4,858.63	4,694.17	9,552.80
15.	40 W. Center Street, Shavertown, PA	2,050.08	2,013.67	4,063.75
16.	7 Oak Street, Plains Township, PA	2,397.59	2,362.57	4,760.16
17.	1-3 Oak Street, Plains Township, PA	2,930.75	2,883.15	5,813.90
18.	6 Monroe Street, Wilkes-Barre, PA	2,048.08	2,029.27	4,077.35
19.	31 Academy Street, Wilkes-Barre, PA	3,562.80	3,486.51	7,049.31
20.	64 W. Ross Street, Wilkes-Barre, PA	4,242.41	4,145.17	8,387.58
21.	65 Third Avenue, Kingston, PA	4,111.85	4,248.13	8,359.98
22.	245 St. Clair Street, Wilkes-Barre, PA	1,622.32	1,875.91	3,498.23
23.	244 St. Clair Street, Wilkes-Barre, PA	1,888.93	2,133.43	4,022.36
24.	235 North Main Street, Wilkes-Barre, PA	1,671.87	1,930.01	3,601.88
25.	237 North Main Street, Wilkes-Barre, PA	2,369.25	2,588.34	4,957.59
26.	440 S. Franklin Street, Wilkes-Barre, PA	5,214.44	5,089.89	10,304.33
27.	401 E. Main Street, Plymouth, PA	2,291.55	2,223.72	4,515.27
28.	22 Sullivan Street, Wilkes-Barre, PA	<u>2,983.74</u>	<u>2,925.72</u>	<u>5,909.46</u>
		<b>\$ 83,209.28</b>	<b>\$ 82,652.30</b>	<b>\$ 165,861.58</b>

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15. Further, the accumulated interest in reference to each of the above amounts, to current date, for each of the following years, is as follows:

	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b>Interest</b>	<b>\$ 62,226.10</b>	<b>\$55,920.76</b>	<b>\$118,146.86</b>

16. Finally, the total of unpaid real estate taxes and interest for the above years are as follows:

	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b>a. Unpaid R.E. Taxes</b>	<b>\$83,209.28</b>	<b>\$82,652.30</b>	<b>\$165,861.58</b>
<b>b. Interest</b>	<b><u>\$62,226.10</u></b>	<b><u>\$55,920.76</u></b>	<b><u>\$118,146.86</u></b>
<b>c. Total</b>	<b><u>\$145,435.38</u></b>	<b><u>\$138,573.06</u></b>	<b><u>\$284,008.44</u></b>

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**c. During 2009 and 2010, Cadle Stole \$299,627 by Not Paying any Real Estate Taxes Related to JR's Rental Properties, in its Capacity as a Mortgagee in Possession**

17. Further, during 2009 and 2010, Cadle again stole all of JR's rental funds over a two-year period. Cadle, in the above capacity, was obligated to use those funds to pay the real estate taxes related to JR's 28 Rental Properties, as follows:

	<b>Address</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
1.	447 Monument Avenue, Wyoming, PA	\$ 3,831.08	\$ 3,921.42	\$ 7,752.50
2.	73 Brazil Street, Wilkes-Barre, PA	3,473.43	2,273.78	5,747.21
3.	845 N. Pennsylvania Ave, Wilkes-Barre, PA	4,648.11	2,698.32	7,346.43
4.	31 Orchard Street, Wilkes-Barre, PA	3,081.29	2,247.25	5,328.54
5.	51 Susquehanna Street, Wilkes-Barre, PA	2,196.29	1,751.97	3,948.26
6.	58 Marlborough Street, Wilkes-Barre, PA	4,487.82	2,105.73	6,593.55
7.	73 Corlear Street, Wilkes-Barre, PA	6,209.92	3,730.17	9,940.09
8.	54 Gates Street, Wilkes-Barre, PA	2,845.78	1,999.61	4,845.39
9.	75 Butler Street, Forty Fort, PA	3,578.85	2,375.63	5,954.48
10.	67 Union Street, Kingston, PA	5,151.56	3,547.20	8,698.76
11.	52 S. Atherton Avenue, Kingston, PA	4,104.49	4,073.69	8,178.18
12.	129 Third Avenue, Kingston, PA	2,277.02	2,260.17	4,537.19
13.	25 Third Avenue, Kingston, PA	3,214.62	2,421.73	5,636.35
14.	85 First Avenue, Kingston, PA	5,752.29	4,522.20	10,274.49
15.	40 W. Center Street, Shavertown, PA	2,588.66	2,600.53	5,189.19
16.	7 Oak Street, Plains Township, PA	5,975.95	4,071.54	10,047.49
17.	1-3 Oak Street, Plains Township, PA	3,563.32	3,504.21	7,067.53
18.	6 Monroe Street, Wilkes-Barre, PA	1,739.64	1,705.17	3,444.81
19.	31 Academy Street, Wilkes-Barre, PA	5,972.34	2,358.27	8,330.61
20.	64 W. Ross Street, Wilkes-Barre, PA	6,052.20	2,737.96	8,790.16
21.	65 Third Avenue, Kingston, PA	5,075.31	5,019.29	10,094.60
22.	245 St. Clair Street, Wilkes-Barre, PA	2,538.05	2,453.92	4,991.97
23.	244 St. Clair Street, Wilkes-Barre, PA	2,911.21	2,835.91	5,747.12
24.	235 North Main Street, Wilkes-Barre, PA	1,971.91	1,924.96	3,896.87
25.	237 North Main Street, Wilkes-Barre, PA	2,973.69	3,016.26	5,989.95
26.	440 S. Franklin Street, Wilkes-Barre, PA	6,217.23	6,072.68	12,289.91
27.	401 E. Main Street, Plymouth, PA	2,786.66	2,894.75	5,681.41
28.	22 Sullivan Street, Wilkes-Barre, PA	<u>2,612.00</u>	<u>666.15</u>	<u>3,278.15</u>
		<b>\$107,830.72</b>	<b>\$81,790.47</b>	<b>\$ 189,621.19</b>

18. Further, the accumulated interest in reference to each of the above amounts of unpaid taxes, to current date, is as follows:

	<b>2009</b>	<b>2010</b>	<b>Total</b>
<b>Interest</b>	<b><u>\$65,385.82</u></b>	<b><u>\$44,620.30</u></b>	<b><u>\$110,006.11</u></b>

19. Finally, the total real estate taxes and interest for the above years, are as follows:

	<b>2009</b>	<b>2010</b>	<b>Total</b>
<b>a. Unpaid R.E. Taxes</b>	<b>\$107,830.72</b>	<b>\$81,790.47</b>	<b>\$189,621.19</b>
<b>b. Interest</b>	<b><u>\$65,385.82</u></b>	<b><u>\$44,620.30</u></b>	<b><u>\$110,006.11</u></b>
<b>c. Total</b>	<b><u>\$173,216.56</u></b>	<b><u>\$126,410.77</u></b>	<b><u>\$299,627.32</u></b>

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**d. During 2011, Cadle Made No Real Estate Tax Payments Related to 21 of JR's Rental Properties; and During 2012, 2013 and 2014 Cadle Made No Real Estate Tax Payments Related to 11 of the Rental Properties Owned by JR**

20. Finally, during 2011 there were 21 of JR's Rental Properties that Cadle failed to make real estate tax payments for; additionally, in 2012, 2013 and 2014, Cadle again never paid any real estate taxes related to 21 of JR's Rental Properties, as listed below:

		<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014 est</b>	<b>Total</b>
1.	447 Monument Avenue, Wyoming	1,352.68	-	-	-	1,352.68
2.	75 Butler Street, Forty Fort	930.63	-	-	-	930.63
3.	67 Union Street, Kingston	1,148.47	-	-	-	1,148.47
4.	52 S. Atherton Avenue, Kingston	1,315.30	-	-	-	1,315.30
5.	129 Third Avenue, Kingston	740.61	-	-	-	740.61
6.	25 Third Avenue, Kingston	791.81	-	-	-	791.81
7.	85 First Avenue, Kingston	1,457.42	-	-	-	1,457.42
8.	40 W. Center Street, Shavertown	2,526.40	-	-	-	2,526.40
9.	7 Oak Street, Plains Township	1,234.65	-	-	-	1,234.65
10.	1-3 Oak Street, Plains Township	1,066.18	-	-	-	1,066.18
11.	6 Monroe Street, Wilkes-Barre	1,451.47	1,375.35	1,304.12	1,451.47	5,582.41
12.	31 Academy Street, Wilkes-Barre	367.48	2,111.10	1,234.91	2,111.10	5,824.59
13.	64 W. Ross Street, Wilkes-Barre	398.04	2,447.77	1,340.90	2,447.77	6,634.48
14.	65 Third Avenue, Kingston	4,928.24	4,712.35	4,474.57	4,928.24	19,043.40
15.	245 St. Clair Street, Wilkes-Barre	2,379.13	2,229.95	2,146.24	2,379.13	9,134.45
16.	244 St. Clair Street, Wilkes-Barre	2,721.05	2,571.05	2,491.42	2,721.05	10,504.57
17.	235 North Main Street, Wilkes-Barre	1,857.47	2,591.75	2,633.35	2,633.35	9,715.92
18.	237 North Main Street, Wilkes-Barre	2,744.28	1,881.42	1,636.93	2,744.28	9,006.91
19.	440 S. Franklin Street, Wilkes-Barre	5,764.47	5,442.60	3,964.70	5,764.47	20,936.24
20.	401 E. Main Street, Plymouth	3,105.47	1,803.49	1,704.00	3,105.47	9,718.43
21.	22 Sullivan Street, Wilkes-Barre	<u>2,981.44</u>	<u>941.06</u>	<u>2,836.04</u>	<u>2,981.44</u>	<u>9,739.98</u>
		<b>41,262.69</b>	<b>28,107.89</b>	<b>25,767.18</b>	<b>33,267.77</b>	<b>128,405.53</b>

21. Further, the accumulated interest in reference to each of the above amounts, to current date, for each of the following years, is as follows:

	2011	2012	2013	2014	Total
<b>Interest</b>	<b>\$ 13,288.81</b>	<b>\$ 6,547.05</b>	<b>\$ 6,001.84</b>	<b>\$2,404.93</b>	<b>\$ 28,242.63</b>

22. Finally, the total amount of unpaid real estate taxes for the above 21 Rental Properties, in addition to the amount of the accumulated interest related thereto, is set forth below:

	2011	2012	2013	2014	Total
<b>a. RE Taxes</b>	<b>\$41,262.69</b>	<b>\$28,107.89</b>	<b>\$25,767.18</b>	<b>33,267.77</b>	<b>128,405.53</b>
<b>b. Interest</b>	<b><u>13,288.81</u></b>	<b><u>6,547.05</u></b>	<b><u>6,001.84</u></b>	<b><u>2,404.93</u></b>	<b><u>28,242.63</u></b>
<b>c. Total</b>	<b><u>54,551.50</u></b>	<b><u>34,654.94</u></b>	<b><u>31,769.02</u></b>	<b><u>35,672.70</u></b>	<b><u>156,648.16</u></b>

## **B. Criminal Actions by each of the Criminal Defendants**

### **1. Criminal Actions by Dean**

#### **a. Crime # 1; Dean Refused to Help JR Get Cadle to Pay Taxes for 2004, 2005 and 2006**

23. As stated above, in 2006, Dean refused to help JR get Cadle to pay all of the real estate taxes to the TCB that JR had paid to Cadle during 2004, 2005 and 2006, as part of the escrow tax payment arrangement that started in October 2004.

24. Therefore, the TCB refused, as directed by Dean, to help JR collect the taxes for 2004, 2005 and 2006 from Cadle, to pay same to the TCB, at the time

of the hearing before Lokuta in case #2006-10356, so as to allow JR to keep both control and legal ownership of his 28 Rental Properties.

25. Thus, by not helping JR get all of his real estate taxes from Cadle, incredibly, Dean cheated his own client, the TCB, out of ever receiving \$557,161 of real estate tax payments related to JR's 28 Rental Properties, in regard to the years 2004, 2005 and 2006.

26. Therefore, the criminal actions by the TCB, Dean and Cadle, as part of the above Criminal Conspiracy, cheated the Luzerne County taxpayers out of the above funds.

**b. Crime #2; In 2007 and 2008, Dean Again Refused to Force Cadle to Pay Taxes.**

27. In this case, Dean, as part of the Criminal Conspiracy with Cadle and all of the other named Criminal Defendants, refused to force Cadle to pay to the TCB all of the real estate taxes that it had collected during 2007 and 2008, from all of JR's 28 Rental Properties, pursuant to the former judge Lokuta's order that had appointed Cadle as a mortgagee-in-possession of JR's 28 Rental Properties.

28. Thus, again, Dean, as part of the Criminal Conspiracy, intentionally cheated his own client, the TCB, out of ever receiving any of the above money, \$284,008 for the years 2007 and 2008.

**c. Crime #3: During 2009 and 2010, Dean Again Refused to Force Cadle to Pay Taxes.**

29. Next, during 2009 and 2010, as stated above, Dean again refused to force Cadle to pay to the TCB all of the real estate taxes that it had collected, pursuant to Lokuta's order that had appointed Cadle as a mortgagee-in-possession, which legal status had continued for the years 2009 and 2010.

30. Thus, again, Dean, incredibly, as part of the above Criminal Conspiracy with all the other Criminal Defendants, cheated his own client, the TCB, out of ever receiving any of the above tax money, totaling \$299,627 for the years 2009 and 2010.

**2. Criminal Actions by Luzerne County and the TCB**

31. Luzerne County and the TCB, based on the recommendations they received from Dean, approved all of Dean's criminal actions, allegedly on their behalf.

**3. Criminal Actions by Fogerty**

32. Fogerty, on behalf of Cadle, in 2006 contacted the TCB to negotiate a possible Criminal Conspiracy with Dean on behalf of the County Defendants.

33. After Fogerty contacted Dean and then had a conference with Dean, Dean secured a commitment from all of the other County Defendants authorizing him to form a Criminal Conspiracy with Fogerty, on behalf of Cadle, to, among



other matters described herein, allow Cadle to steal all of JR's real estate tax escrow funds that were received from his above 28 Rental Properties.

34. Thus, in furtherance of the above Criminal Conspiracy allowing Cadle to steal all of JR's real estate tax escrow payments, Dean and Fogerty, from time to time, agreed to continue the above criminal relationship between the above Criminal Defendants, ultimately involving an entire seven-year period, when no real estate taxes were ever deducted from Cadle's collection of all the rental income from JR's Rental Properties for the years 2004, 2005, 2006, 2007, 2008, 2009 and 2010.

#### **4. Criminal Actions by Cadle**

35. As stated above, when Cadle started to receive the monthly real estate tax payments from JR, intentionally failed to pay any of those funds to the TCB as it was contractually obligated to do, pursuant to the loan modification agreement and, then later, pursuant to the former judge Lokuta's Order.

36. At all times relevant hereto, Cadle's actions, in regard to stealing the above \$1,295,303 in real estate taxes, were performed with the approval of and, at the direction of, their attorney, Fogerty.

37. In addition, the above criminal actions by Cadle were pursuant to the directions Cadle received from its company president and owner, D. Cadle, who was the chief corruptor in all of the above crimes.

## **5. Criminal Actions By Shucosky**

38. Shucosky, as Court Administrator, was to schedule the §607 hearings related to the real estate tax sales procedures, pertaining to JR's 28 Rental Properties.

39. Because Shucosky was part of the above Criminal Conspiracy, Shucosky never had Judge Brown schedule the above §607 hearings because Cadle would lose.

40. Therefore, as part of the above Criminal Conspiracy, Shucosky, as Court Administrator, never scheduled the §607 hearings before Judge Brown, which were supposed to have been scheduled within due course after JR received the §607 Notices in September/October of 2009, almost 5 ½ years ago.

41. Therefore, because of Shucosky's above corruption and criminal actions, he has refused to schedule the §607 hearings for the above reasons, thereby allowing Cadle to have stolen more than seven years of real estate tax payments that were supposed to go to local governments.

## **6. Criminal Actions By Judge Brown**

42. Judge Brown, based on Shucosky's above criminal actions, never made Shucosky schedule all of the §607 hearings that were required to be held, within 60 days after the date the §607 Notices were filed by JR.

43. Therefore, Judge Brown, as part of the Criminal Conspiracy, with all of the other Criminal Defendants in this case, allowed Cadle to steal all of the above funds from JR that were to be paid to the benefit of the Luzerne County taxpayers.