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11 Attorneys for the United States of America

12 IN THE UNITED STATES DISTRICT COURT FOR THE  
13 DISTRICT OF ARIZONA

14 GOLDEN WEST HOLDINGS TRUST;  
15 TRI-STAR REAL ESTATE  
16 INVESTMENT; WILLIAM WADMAN;

17 Plaintiffs,

18 v.

19 UNITED STATES OF AMERICA and  
20 INTERNAL REVENUE SERVICE,

21 Defendants.

22 \_\_\_\_\_  
23 AND CONSOLIDATED CASES

Case No. 05-2237 PHX SMM (LEAD)

**DECLARATION OF REVENUE  
OFFICER CALVIN BYRD**

24 I, Calvin Byrd, declare the following:

25 1. I am a Revenue Officer for the Internal Revenue Service. I am assigned to the  
26 above-reference case. I have 29 years of experience as a Revenue Officer. I testify of  
27 my personal knowledge.

28 2. On April 13, 2005, I issued numerous IRS bank levies as a result of my  
investigation into a fraudulent refund scheme based on false withholding credits  
believed to have been carried out by William G. Wadman, V, ("Mr. Wadman") and his

1 related trust entities (Golden West Holdings Trust, Tri-Star Real Estate Investment  
2 Trust).

3 3. I confirmed IRS tax refund deposits into the following banks:

<u>Name of Account Holder</u>	<u>Bank</u>	<u>Deposit Amount</u>
5 William G. Wadman	Wachovia Bank	\$523,430.00
6 Golden West Holdings Trust	Sun Trust Bank	468,683.00
7 Tri-Star Real Estate Investment Trust	Sun Trust Bank	342,326.00

8 4. Tracing of funds activity indicated that for the Wachovia Bank account, the  
9 available balance thru April 6, 2005, was \$440,225.57. The IRS bank levy on April 13,  
10 2005, attached to the amount of \$437,860.00, which was later paid over to the Service.

11 5. On April 27, 2005, Mr. Wadman received a \$437,860.00 Official Check made  
12 payable to him from the Wachovia account and deposited these monies into the JP  
13 Morgan Stanley Chase accounts of his partner and housemate, Philip R. Black. Two  
14 checks for \$212,860.00 and \$225,000.00, respectively, were deposited into two  
15 separate accounts held in the name of Philip R. Black.

16 6. Two additional deposits were made into a separate JP Morgan Stanley Chase  
17 Active Assets Money Trust account under the name of Golden West Holdings Trust, W  
18 G Wadman & P R Black as co-trustees. The source of the initial \$50,000.00 deposit on  
19 June 18, 2004, was the SunTrust Bank account in the name of Golden West Holdings  
20 Trust.

21 7. On April 29, 2005, Mr. Wadman wrote a check payable to him for \$119,400.00  
22 from the Golden West Holdings Trust JP Morgan Stanley account and deposited it into  
23 Philip Black's JPMC account. Mr. Wadman is not a signor on any of Philip Black's  
24 accounts with JPMC. The origin of the \$119,400.00 was from the Tri-Star Real Estate  
25 Investment Trust account with Sun Trust Bank. The latter deposit activity provides  
26 further evidence of ongoing transfer activities and comingling of funds that occurred  
27 between the related entities.

28 8. According to my investigation and analysis of bank account information obtained  
from Compass Bank, I determined that on June 3, 2005, three deposit items totaled

1 \$553,728.15, of which \$517,728 represented an incoming wire transfer into an account  
2 in the name of Atlantic Industries Corporation. The sources of the \$517,728 deposit to  
3 Compass Bank was traceable directly back to funds held on deposit at JP Morgan  
4 Stanley Chase for Philip R. Black. The Compass Bank account was established on  
5 June 2, 2005, the day before the wire transfer was made. Both Mr. Wadman and Mr.  
6 Black were listed on the deposit account signature card for Atlantic Industries  
7 Corporation.

8 9. Atlantic Industries Corporation appears to be another nominee of Mr. Wadman.  
9 A check of IRS records indicates that no tax returns have been filed by Atlantic  
10 Industries Corporation.

11 10. On June 10, 2005, Mr. Wadman withdrew funds from the Compass Bank  
12 account in the name of Atlantic Industries Corporation totaling \$389,170.02 in the form  
13 of a cashier's check payable to him. Later, on June 15, 2005, there was an outgoing  
14 wire transfer of \$119,400.00 to SunTrust Bank.

15 11. On information obtained about the real property located at 47 West Sierra Vista  
16 Drive, Phoenix, AZ, the purchase price was at least \$945,000.00 when Mr. Wadman  
17 purchased the property on July 25, 2005. The source of the down payment was from  
18 Mr. Wadman's company, Atlantic Industries Corporation. I inspected a sampling of  
19 cancelled checks from Atlantic's Compass Bank account and the majority of the  
20 payments were for purchases and construction improvement projects related to the  
21 West Sierra Vista Drive property.

22 12. On August 5, 2005, Mr. Wadman conveyed title to the West Sierra Vista Drive  
23 property to Metropolitan Partners Southwest, LLP for no consideration. I determined  
24 that Metropolitan Partners Southwest, LLP is owned by Mr. Wadman. In a Statement of  
25 Financial Affairs document submitted by Mr. Wadman to the bankruptcy court, he noted  
26 a transfer of the same property in March 2006 from Metropolitan Partners Southwest,  
27 LLP back to W. Wadman and P. Black as tenants in common. *In re William G.*  
28 *Wadman, V*, 2:06-00819-PHX-RJH (Bankr. D. Az.). (Jennings Decl., Ex. 6, portions). I

1 concluded that these multiple transfers constitute a fraudulent conveyance and  
2 demonstrated Mr. Wadman's deliberate attempts to disguise and place assets beyond  
3 creditors' reach.

4 13. The aforementioned information has been provided to show the substantial  
5 evidence of a close relationship that exist between Mr. Wadman and his numerous  
6 alter-ego entities. Moreover, the transfer and comingling of funds, in addition to Mr.  
7 Wadman's unlimited access and control over the use of these assets, show that the  
8 related entities were established solely for his benefit. The tracing of these funds and  
9 multiple transfers have been investigated to provide a clear understanding about how  
10 Mr. Wadman used subterfuge methods to conceal the identity of funds and purchased  
11 assets, including the Phoenix, AZ real property.

#### 12 **Alias Tax Returns**

13 14. IRS records indicate that, under a social security number ending with 6742 which  
14 matched that of Mr. Wadman, federal individual income tax returns were filed for 1990  
15 through 1992 under the name Gary A. Emerson.

16 15. IRS records indicate that, under a social security number ending with 6742  
17 matching that of Mr. Wadman, federal individual income tax returns were filed for 1993  
18 through 1997 under the name Sean G. Black.

19 16. IRS records indicate that, under a social security number ending with 6742 and  
20 matching the number mentioned above, Mr. Wadman filed federal individual income tax  
21 returns for 1998 through 2004 under the name William G. Wadman, V.

#### 22 **Florida Real Estate Transactions**

23 17. According to a public records database, Mr. Wadman and Philip R. Black in July,  
24 2003, purchased a property at 5801 Bayview Drive, Fort Lauderdale, Florida, for  
25 \$627,500. Mr. Wadman and Mr. Black sold the 5801 Bayview property in September  
26 of 2004 for \$900,000.

1 18. The proceeds of the sale of a residence in the name of Mr. Wadman and Mr.  
2 Black at 1408 Albury Street, Key West, Florida, were deposited with Mr. Wadman's  
3 bankruptcy attorney.

4 19. In addition to GWHT and Tri-Star, Mr. Wadman used another nominee to  
5 conceal his ownership of property. Commercial real property which stored the vehicles  
6 described in paragraph 22, below, was located at 3569 SW 10<sup>th</sup> Street, Pompano  
7 Beach, Florida (the "Pompano Beach property"). The property was held in the name of  
8 Golden West Holdings LLC ("LLC"). Mr. Wadman reported LLC activity on his  
9 individual income tax returns. (Bloxham Decl., Ex. A, B). The LLC did not have a lease  
10 arrangement with GWHT to store the vehicles. Mr. Wadman contributed at least  
11 \$135,788 of funds to purchase the Pompano Beach property from the GWHT and Tri-  
12 Star accounts at Suntrust Bank, and his own account. Copies of the checks are  
13 attached to the Jennings Declaration. Mr. Wadman listed the Pompano Beach property  
14 on his personal financial statement. Mr. Wadman listed the sale proceeds of the  
15 Pompano Beach property as his personal property on his Bankruptcy Schedules.

16 20. According to my investigation, Mr. Wadman purchased the residence at 2516  
17 Del Mar Place, Fort Lauderdale, Florida, in July of 2004 for \$1,975,000. There was an  
18 existing mortgage with Chevy Chase Bank on the 2516 Del Mar property. Mr. Wadman  
19 used the tax refunds described in paragraph 3, above, to substantially improve the  
20 2516 Del Mar property, as more particularly described in the Jennings Declaration. The  
21 2516 Del Mar property was listed for sale for \$2,895,000 at the time of the jeopardy levy  
22 in April, 2005. The 2516 Del Mar property was listed at 4,741 square feet, on the  
23 waterfront with a pool.

24 21. A search of Florida Department of Motor Vehicles records revealed the following:  
25 (1) A 2004 Cadillac Escalade was registered to Mr. Wadman at the Del Mar property.  
26 (2) A Cadillac XLR was registered to Mr. Black at the Del Mar property. (3) At least five  
27 other vehicles were registered to Golden West Holdings Trust at the Del Mar property,  
28 including a 1986 Rolls Royce Silver Spur and a 1985 Mercedes 380 SL/SLC.

1 **Vehicles in the name of GWHT**

2 22. Mr. Wadman had control of 18 collectible automobiles each registered under the  
3 name of Golden West Holdings Trust. The vehicles were held at the Pompano Beach  
4 property, which property was titled in the name of Golden West Holdings LLC, a sole  
5 proprietorship of Mr. Wadman which he reported on his individual tax returns. The  
6 vehicles included the following:

7 <u>Year-Make-Model</u>	<u>VIN</u>
8 1964 Buick Riviera	7K1107646
9 1970 Lincoln Mark III	0Y89A806872
10 1979 Cadillac Coupe DeVille	6D47599283110
11 1978 Cadillac Seville	6S69B8Q480202
12 1986 Rolls Royce Silver Spur	SCAZN42A2GCX14265
13 1960 Ford Thunderbird	0Y71Y174284
14 1967 Mercury Cougar XR7	7F93C615985
15 1981 Chevy El Camino SS	1GCCW80J9BR451235
16 1977 Lincoln Continental Mark V	7Y89A804303
17 1964 Chevy Corvair Convertible	40967W241745
18 1965 Ford Thunderbird	5Y87Z129832
19 1969 Ford Mustang Gr. Coupe	9R01H157215
20 1985 Mercedes 380 SL	WDBBA45C0FA021495
21 1967 Ford Thunderbird	7Y82Q145954
22 1962 Ford Thunderbird Convert.	2Y85Z142700
23 1966 Oldsmobile Toronado	396876M532940
24 1966 Chevy Corvair Coupe	105376L105353
25 1958 Lincoln Continental Mk III	H8YE414732

26 I declare under penalty of perjury that the foregoing is true and correct.

27 Dated September 26, 2008

28     /s/ Calvin Byrd\_\_\_  
Calvin Byrd