

**Monique Bryher**  
**Eurisko Corporation**  
**Real Estate Sales, Expert Consulting & Litigation Support**  
P. O. Box 573213, Tarzana, CA 91357  
**(818) 430-6705 mobile**  
[monique.bryher@gmail.com](mailto:monique.bryher@gmail.com)

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## **Summary**

Monique Bryher is a licensed real estate broker who provides consulting, expert witness testimony and litigation support on behalf of attorneys and lending institutions in the following areas:

- (1) Sales of real property** including trust sales, probate properties (full and limited authority, bankruptcy/receivership and divorce proceedings.
- (2) Expert Consulting and litigation support**
  - Criminal prosecutions involving real estate fraud
  - Civil litigation in real estate cases related to the following: (1) Issues and conflicts with dual-agency representation (2) Issues with disclosures, including potential fraudulent concealment of material facts.
- (3) REO (real estate owned / bank-owned) property sales and expert consulting**
  - Property valuations
  - Property and asset management
  - Negotiating move-out settlement costs, aka “cash for keys” with former owners and renters
  - Eviction court proceedings
  - Bank and asset management company contracts and practices
  - Disclosure and liability issues to both bank and purchaser
  - Documenting evidence for police reports
- (4) Short Sale and expert consulting**
  - The expectations, conditions and contractual terms lenders have before approving a short sale
  - Different kinds of short sale fraud schemes
  - Short sale fraud investigations
- (5) Probate and Trust Sales**
  - Listing agent and buyer’s agent in the sale of properties held in trust or that are in probate, including those requiring court confirmation.
  - Have discovered several cases of fraudulent conveyances of deeds and deed transfers by deception of elderly or deceased homeowners. Some of these occurrences were by relatives; others by fiduciaries.

## **Real Estate – REO Property and Short Sale Fraud Litigation**

- Broker-Associate and Realtor® who sells real estate under the license of the Pinnacle Estate Properties, Inc. brokerage.
- Sold bank-owned / “REO” properties for Wells Fargo and its subsidiary Premiere Asset Services (PAS) and the lenders they serviced during the “mortgage crisis”. Expertise in managing contracts and negotiations, strong interpersonal skills communicating with corporate asset managers and with borrowers whose homes had been foreclosed. Successfully managed vacant property maintenance,

marketing, evaluate incoming offers, and closed all sales.

- Testify on fraudulent aspects to offers on REO and short sale listings.
- Performed over 200 residential and commercial property evaluations (Broker Price Opinions, “BPOs”).

### **Criminal Cases:**

PEOPLE v. HERRERA SINDELL GROUP - CASE # 2010032615

Engaged by the Ventura County District Attorney’s Office to evaluate real estate contracts and other documents given by the defendants to the victims and provide expert opinion to the prosecution. Defendants pleaded guilty just prior to witness trial prep.

### **Civil Cases:**

CATARINA FRANCISCO, ET AL V. BANK OF AMERICA N.A. - CASE NO. 14-cv-887-AJW

Named as an unretained expert fraud by Plaintiff’s counsel. Case settled.

STEVEN J. KIM, ET AL. VS. PRESTON B. FIELDS, ET AL. – CASE NO. PC055621

Expert witness for a plaintiff suing a Realtor®, her broker and their sellers for conducting a fraudulent short sale. Case settled.

Defense consultant for the attorney of a conservator whose elderly client, a woman with diminished capacity, was sued for specific performance on a real estate contract. Found multiple errors in the contracts including possible fraud and forgeries and advised attorney this was textbook financial elder abuse. Case mediated resulting in cancellation of the sale so that the senior could remain in her home.

Plaintiff’s witness in L.A. Superior Court on behalf of Wells Fargo Bank, which was evicting unlawful tenants from one of its foreclosed properties. Managed the eviction and return of property keys.

Plaintiff’s witness in L.A. Superior Court on behalf of a local law firm on an eviction matter. Wrote a report determining current value of the property and attended court hearing, during which parties settled.

### **Publications**

(1) Founder, publisher and sole author of the California Real Estate Fraud Report (see the website [www.CaliforniaRealEstateFraudReport.com](http://www.CaliforniaRealEstateFraudReport.com), 2007. Many of the subscribers are prosecutors and fraud investigators with local, state and federal agencies, who use the Fraud Report as a one-stop resource for real estate fraud and related crimes being committed in California. The remaining subscribers are attorneys, real estate professionals, bankers and consumers.

(2) Author of the only published book addressing the topic of short sale fraud and REO fraud. “[How to Commit Short Sale Fraud . . . and Get Away with It](#)” is an exposé into the dark side of real estate. Have presented the concepts of the book to groups as diverse as the Federal Mortgage Fraud Task Force Eastern District of California (since disbanded), Beverly Hills Bar Association (Real Estate Section), Encino Lawyers Association, California Society of CPAs, several Southern California Chapters of the Association of Certified Fraud Examiners ([ACFE](#)), Provisors (Real Estate Section) and Rotary Club. Book was recommended in the “Good Reads” section of Default Servicing News (DSNews) in the August 2012 issue and I was interviewed for an article entitled “[Anatomy of a Fraudulent Short Sale](#)” in DSNews October 2012.

### **Other Fraud Investigations**

1997 through 2006

Served as an expert consultant to civil litigation attorneys as a forensic computer examiner. One of the first civilians in the nation - and the first private sector woman - to earn the prestigious Certified Forensic Computer Examiner ([CFCE](#)), certification, at the time a law enforcement-only designation by the International Association of Computer Investigative Specialists ([IACIS](#)). The certification is expired.

Volunteered for the following agencies in computer forensics; required to pass background checks by the U.S. Department of Justice:

- Orange County Sheriff-Coroner Dept. / High-Tech Task Force - Level IV Reserve
- Southern California High-Tech Task Force / Regional Forensics Computer Laboratory / Camarillo
- Volunteer with the City of San Fernando Police Department.

Monique studied white-collar crime extensively with a variety of both law enforcement and private sector training organizations across the United States, such as [SEARCH](#), the National White-Collar Crime Center ([NWCCC](#)), High-Tech Crime Investigation Association ([HTCIA](#)), the Association of Certified Fraud Examiners ([ACFE](#)), the International Association of Computer Investigative Specialists ([IACIS](#)) and the Forensic Association of Computer Technologists ([F.A.C.T.](#))

### **Education, Licenses and Certifications**

- California Real Estate Broker License: [#01766461](#)
- Mortgage Loan Officer NMLS [#1721888](#)
- Certified Probate & Trust Specialist (California Association of Realtors)
- Certified HAFA Specialist (short sales) through AssetPlanUSA
- UCLA Paralegal Training Program Certificate (non-practicing)
- UCLA Fielding School of Public Health / Master of Science degree (MSPH), Hospital Information Systems
- UCLA Bachelor's degree in Economics with a minor in statistics (undeclared)
- Certified Forensic Computer Examiner ([CFCE](#)), designation awarded by the International Association of Computer Investigative Specialists ([IACIS](#))

### **Professional Associations**

- Invited to be one of only approximately 30 members of the California Department of Real Estate (DRE): Real Estate and Mortgage Loan Advisory Panel for then Commissioner Wayne Bell (2015-2018). There are over 420,000 real estate licensees in the state of California.
- Southland Association of Realtors ([SRAR](#)), California Association of Realtors ([CAR](#)) and National Association of Realtors ([NAR](#))
- Association of Certified Fraud Examiners ([ACFE](#)), Ventura County chapter (associate member)
- San Fernando Valley Bar Association (associate member)