

**Ala. Code 1975, § 13A-9-130(c)(1)(c)**

**Residential Mortgage Fraud**  
**(Files Misstatement)**

The defendant is charged with residential mortgage fraud.

A person commits the crime of residential mortgage fraud when with the intent to defraud, he/she files or causes to be filed with any public office any document that the person knows to contain a material deliberate misstatement or misrepresentation with the specific intent to cause a residential mortgage fraud.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant filed or caused to be filed with a public office a document;
- (2) The Defendant knew the document contained a material deliberate misstatement or misrepresentation with the specific intent to cause a residential mortgage fraud; **(AND)**
- (3) The Defendant did so with intent to defraud.

A person acts *knowingly* with respect to conduct or to a circumstance when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of residential mortgage fraud, then you shall find the defendant guilty of residential mortgage fraud.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of residential mortgage fraud, then you cannot find the defendant guilty of residential mortgage fraud.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

[Approved 9-11-15.]