

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

A [REDACTED],
Plaintiff

v.

Case No: [REDACTED]

S [REDACTED]
Defendant

COMPLAINT

COMES NOW the Plaintiff, A [REDACTED], by counsel, and files this Complaint, respectfully representing as follows:

FACTS

1. Plaintiff is a married man sixty-two (62) years of age who is a resident of Virginia and has been for a number of years the owner of a certain residential property located in Fairfax County, Virginia known as 5 [REDACTED], Falls Church, VA 22041-1629 (the "Property").

2. Defendant is a woman thirty (30) years of age, who, upon information and belief, is a married woman under Virginia law, a United States citizen, formerly a resident of Virginia, and is now believed to be a resident of Iran.

3. Plaintiff was married to Defendant on [REDACTED] 2001 in the City of Alexandria, Virginia. A copy of his marriage certificate is attached as Exhibit A.

4. Plaintiff acquired the Property on [REDACTED] 1986 as the sole owner in fee simple. Plaintiff at his sole cost and expense, built his primary residence on the Property and completed the construction prior to the parties' marriage with no monetary contribution from Defendant.

5. In 2000, Plaintiff conveyed his childhood home in Iran, estimated to be worth Five Hundred Thousand Dollars (\$500,000 USD) to Defendant as sole owner, for no consideration.

6. During their marriage, the Defendant on several occasions travelled to her home country of Iran and stayed for extended periods of time. Defendant represented to Plaintiff that her travels to Iran were for business and family reasons.

7. On or about 2003, the Defendant travelled to Iran and remained there for approximately four (4) months.

8. On or about 2005, the Defendant again travelled to Iran and remained there for approximately eight (8) months.

9. During 2006, the Defendant again travelled to Iran and remained there for approximately two (2) years.

10. During 2006, Plaintiff assisted Defendant in obtaining United States citizenship which was subsequently granted.

11. During her trips to Iran, Defendant represented to the Plaintiff that she intended to invest certain sums of money in Iran for the Plaintiff's benefit. Defendant represented that Plaintiff would receive substantial returns from such investments. Based upon Defendant's representations, Plaintiff transferred approximately One Hundred Fifty Thousand Dollars (\$150,000 USD) to accounts in Iran at the direction of Defendant.

12. Plaintiff has never received an accounting or any proceeds from the purported investments in Iran.

13. In October of 2008, Defendant returned to the United States. Defendant represented to Plaintiff that she intended to remain in the United States with her husband

and represented that she had filed a petition with the United States Citizenship and Immigration Services (the "USCIS") to allow her mother to come to the United States.

14. On or about October of 2008, Defendant represented to Plaintiff that an issue had arisen with immigration authorities and that she needed to verify her domicile in the United States in order for her petition to be approved. Defendant represented to Plaintiff that if she were placed on title to the Property, she would then submit a copy to immigration authorities in order to obtain approval of her mother's petition.

15. Based on Defendant's representations, Plaintiff executed a Deed of Gift for the Property (the "Deed of Gift"), dated [REDACTED], 2008 and recorded on [REDACTED], 2008 in Fairfax County Circuit Court adding Defendant to title. A copy of the Deed of Gift is attached hereto as Exhibit B.

16. Shortly after the recordation of the Deed of Gift, the Defendant represented to Plaintiff that her feelings towards him and their marriage had changed. As a result of Defendant's representations, Plaintiff promised to provide additional financial assistance to Defendant and promised to continue to assist in bringing her mother to the United States in the hopes that she would reconsider.

17. Shortly thereafter, Defendant represented that she would remain with Plaintiff as his wife and that she would have to travel to Iran to accompany her mother back to the United States. Based on Defendant's representations, Plaintiff purchased a round-trip airline ticket for Defendant to Iran on December 6, 2008, a copy of which is attached hereto as Exhibit C.

18. Defendant represented to Plaintiff that she intended to return to the United States with her mother to be with Plaintiff as his wife.

19. On December 6, 2008, Defendant flew to Iran and has remained there through the filing of this Complaint. Approximately one week later, Defendant telephoned Plaintiff and stated that she intended to seek a divorce in Iran.

20. During the conversation, Defendant stated to Plaintiff that she had been involved in an adulterous affair with another man in Iran for several years.

21. During the telephone conversation, Defendant represented to Plaintiff that she, in fact, was not going to return to the United States and that she would be staying in Iran permanently with her boyfriend.

22. Upon information and belief, Defendant has no intention of following through with the purported immigration application for her mother.

23. On January 15, 2009, agents of the USCIS and the National Visa Center (the "NVC") stated to Plaintiff that since the filing of the deed, there have been no new documents filed by Defendant in the pending immigration case whatsoever.

24. Plaintiff later discovered that, prior to leaving for Iran, Defendant gathered up all of her belongings and nearly all of the legal documents and records bearing her name including many of Plaintiff's personal and financial records, apparently in an effort to conceal her activities and whereabouts.

25. As a result of the Defendant's asportation of records, Plaintiff does not know the Defendant's address in Iran and has been unable to ascertain her whereabouts.

26. As a result of Defendant's fleeing to Iran, her attempt to divorce the Plaintiff, her unknown whereabouts, and her apparent intention to remain in Iran with her paramour, Plaintiff is unable to refinance, sell or otherwise convey the Property which he himself purchased and built prior to their marriage.

COUNT I

RESCISSION OF DEED DUE TO ACTUAL FRAUD

27. The allegations contained in paragraphs 1 through 26 are incorporated herein as if fully stated.

28. Defendant's false representations to Plaintiff of the purpose of her travels to Iran and the purported investments in Iran were of material facts.

29. Defendant's false representation to Plaintiff of her intention to return to the United States and remain with Plaintiff as his wife was of a material fact.

30. Defendant's concealment of her ongoing adulterous affair was of a material fact.

31. Defendant's false representation that she would submit the Deed of Gift to immigration authorities in order to obtain approval of her mother's case was of a material fact.

32. Defendant's false representations and concealment of facts were made intentionally and knowingly and were calculated to induce Plaintiff into transferring monies to Iran and to execute the Deed of Gift adding her to title.

33. Plaintiff relied upon Defendant's false representations and concealment of facts in executing the Deed of Gift.

WHEREFORE, the Plaintiff prays that the Court enter an order rescinding the above-mentioned Deed of Gift due to actual fraud and declare the same to be null, void and of no effect; and that proper counsel fees may be allowed to counsel of record for your plaintiff for the institution and prosecution of this suit, with costs in this behalf expended; and for such further and general relief as the Court may find warranted.

COUNT II

RESCISSION OF DEED DUE TO CONSTRUCTIVE FRAUD

34. The allegations contained in paragraphs 1 through 26 are incorporated herein as if fully stated.

35. Defendant's false representations to Plaintiff of the purpose of her travels to Iran and the purported investments in Iran were of material facts.

36. Defendant's false representation to Plaintiff of her intention to return to the United States with her mother and remain with Plaintiff as his wife was of a material fact.

37. Defendant's concealment of her ongoing adulterous affair was of a material fact.

38. Defendant's false representation that she would submit the Deed of Gift to immigration authorities in order to obtain approval of her mother's case was of a material fact.

39. Defendant's false representations and concealment of facts were made negligently and were calculated to induce Plaintiff into transferring monies to Iran and to execute the Deed of Gift adding her to title.

40. Plaintiff relied upon Defendant's false representations and concealment of facts in executing the Deed of Gift.

WHEREFORE, the Plaintiff prays that the Court enter an order rescinding the above-mentioned Deed of Gift due to constructive fraud and declare the same to be null, void and of no effect; and that proper counsel fees may be allowed to counsel of record for your plaintiff for the institution and prosecution of this suit, with costs in this behalf expended; and for such further and general relief as the Court may find warranted.

A [REDACTED]
By Counsel

Nguyen & Nguyen, P.C.

By: *Richard H. Nguyen*

Richard H. Nguyen
VSB# 66677
6521 Arlington Blvd. Ste 101
Falls Church, VA 22042
(703)534-0805 x. 112 tel
(703)534-3047 fax
Co-Counsel for Plaintiff

Nguyen & Nguyen, P.C.

By: *David E. McArthur*

David E. McArthur
VSB# 77526
6521 Arlington Blvd. Ste 101
Falls Church, VA 22042
(703)534-0805 x. 116 tel
(703)534-3047 fax
Co-Counsel for Plaintiff

STATE OF VIRGINIA,
COUNTY OF Fairfax, to-wit:

A [REDACTED], the Plaintiff named in the foregoing complaint being duly sworn says that the several matters and things set forth in the above said complaint are true to the best of his knowledge and belief.

[REDACTED]

A [REDACTED]

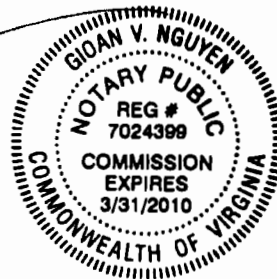
Sworn to and subscribed before me, this 15th day of January, 2009

My commission expires:

Gidan V. Nguyen

Notary Public

Registration #: 7024399



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

A [Redacted]

Plaintiff

[Redacted]

Subtype : Complaint

VS

S [Redacted]

Defendant

STATE OF Maryland

CITY/COUNTY OF Montgomery, to wit:

This day R [Redacted]

personally appeared before the undersigned Notary Public in and for the City/County and State aforesaid, and, having been first duly sworn according to law, disposes and states as follows:

that he is not a party to, or otherwise interested in, the subject matter in controversy in the within cause, that he is over the age of 18 years; that on the 1st day of Feb,

2009, at 11:30 o'clock a.m. he/she served the within Complaint, in person, on the

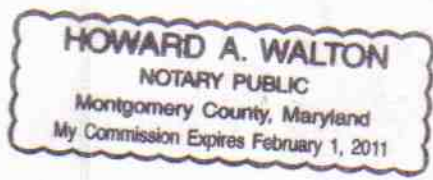
Defendant S [Redacted] at NOMAD SHOP
Saadi street EMAM ESQvar ESTAHAN IRAN

_____ and the Defendant is is not a resident of the State of Virginia.

[Signature]
AFFIANT TITLE

Subscribed and sworn to before me in my City/County and State aforesaid, this 3 day of February, 2009.
My Commission expires:

[Signature]
NOTARY PUBLIC



[REDACTED]



Prepared by **Nguyen & Nguyen, P.C.**
and return to: **6521 Arlington Blvd. Suite 101**
Falls Church, VA 22042

Consideration: **\$ 0.00**

Tax Map #: [REDACTED]

File #: [REDACTED]

Grantee's:
Address **Falls Church, VA 22041-1629**

This deed is exempt from recordation taxes pursuant to § 58.1-811(D) of the Code of Virginia, as amended.

DEED OF GIFT

THIS DEED, made this 1st day of [REDACTED], 2009, by and between A [REDACTED]
f.k.a. [REDACTED] and S [REDACTED], Grantors and A [REDACTED] f.k.a.
[REDACTED], Grantee.

WITNESSETH:

That for and in consideration of the sum of Zero Dollars (\$0.00), cash in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby give, grant and convey, in fee simple, with SPECIAL WARRANTY, unto the Grantee, all that certain lot or parcel of land together with improvements thereon, situated, lying and being in Fairfax County, Virginia, and more particularly described as follows:

[REDACTED]

[REDACTED]

S [REDACTED], the spouse of A [REDACTED], by executing this deed, forever conveys, releases and waives any marital rights or right to claim an elective share in the above-described real estate as part of her spouse's augmented estate pursuant to § 64.1-13 et seq. of the Code of Virginia, 1950, as amended, and gives no covenant or warranty of title to the real estate hereby conveyed.

This Conveyance is made expressly subject to the easements, conditions, restrictions, and rights of way of record contained in the deeds forming the chain of title to said property.

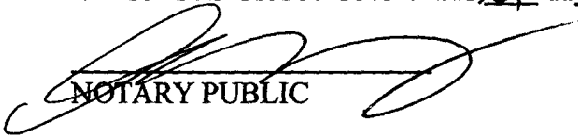
WITNESS the following signature and seals:

[REDACTED] (SEAL)
A [REDACTED]

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

I, the undersigned Notary Public, in and for the State and County aforesaid, do hereby certify that A [REDACTED], whose name is signed to the foregoing and hereunto annexed Deed, has this day personally acknowledged the same before me in my County and State.

GIVEN UNDER MY HAND this 27th day of NOV, 2009.


NOTARY PUBLIC

My Commission Expires:
Registration #: 7024399

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LIBRARY



THIS AUTHENTICATION CONCERNS
ONLY THE SIGNATURE(S)
AND NOT THE CONTENTS
OF THE DOCUMENT

[Redacted] (SEAL)
S [Redacted]

EMBASSY OF SWITZERLAND
U.S. Interests Section
Tehran, to-wit:

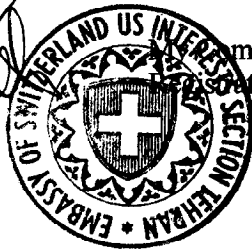
I, the undersigned Notary Public, in and for the State and County aforesaid, do hereby
certify that S [Redacted], whose name is signed to the foregoing and hereunto annexed
Deed, has this day personally acknowledged the same before me in my County and State.

002247

GIVEN UNDER MY HAND this 10 day of AUGUST, 2009.

6 PR 408/360000
GV-141A

NOTARY PUBLIC
[Signature]
Manuela Mäder
Attachée



Commission Expires: —
Registration #: —