

APR 18 2023

AFFIDAVIT

REAL ESTATE COMMISSION

BY Kelly Valadez

Please reference Mr. Poe, Ta-Chung's affidavit and following statement time & date of dialog and actions between Jean Poe and I occurred,

2/4 Counter from seller was signed accepted by buyer Jean Poe. Open escrow 4:00pm.

2/8 EMD \$10,000 was sent to escrow by Jean Poe

2/8 Home inspection performed and report received the same day

2/9 Appraisal performed

2/10 10:00am Jean Poe wish to backout

2/10 1:00pm Jean Poe expressed she's short of money and agreed to barrow from me.

2/10 2:30pm I wired \$10,030.00 to Jean Poe's account with her consent and oral agreement. See Jean and Wayne WhatsApp dialog screen capture that Jean provided her viod check picture 2:51pm 2/8/2022.

2/10 3:00pm Jean Poe wants additional money for the entire escrow closing fee around \$80,000 and the Home Inspection fee \$275.00.

2/10 4:00pm I Zelle \$275.00 to Jean Poe Zelle account for home inspection fee.

2/10 4:30pm I draft an agreement that if Jean won't return my lending money she would have to sell the house at it's original price back to me.

2/10 5:10pm I Zelle \$500.00 to Jean Poe Zelle account. When she mentioned loan cost on her email to me.

2/10 5:48pm She has questions regarding this agreement that I've drafted.

2/10 6:21pm Jean Poe wish to cancel the deal between her and I, the loan and draft agreement.

2/11 2:37am I sent Jean Poe an email stating that I agreed to cancel the agreement myself as well. I wish her to return all money was lend to her wire-\$10,030, Zelle-\$275, Zelle-\$500 and I will cancel the purchase agreement with the seller.

I went to bed after that 2:37am email to her.

2/11 12:30pm I woke up and found many calls from my broker Cynthia Lujan and none from Jean Poe the entire morning.

2/11 12:53pm talked to my broker Cynthia Lujan for 14 minutes and she said my buyer Jean Poe threatened to sue because I won't help her cancel the purchase escrow. I told Cynthia that I was going to cancel for her and I had drafted the cancelation addendum in the "Transaction Desk" cloud. Cynthia said, I saw that and you used the wrong form". I said it was late and I was tired so I made a mistake by using the wrong form. (my current broker Ethan Grant said it's ok to use either Addendum or Cancel Escrow form, both are fine)

2/11 4:35pm my broker Cynthia Lujan sent me an email "DROP NOTICE"

To conclude my above dialog and action log:

1. Jean and I had an oral agreement before I wired the \$10,030.
 - a. By logic would anyone wire \$100,000 without a cause or mutual understand?
 - b. After wired \$10,030 she wanted additional \$275.00 home inspection fee from me by sending me her Zelle information to receive \$275.00 (I've done so and have the Zelle proof receipt.)
 - c. Two hours after Zelle her \$275.00 she send me an email stating she had paid the lender \$500 to initial the loan process and want me to Zelle her \$500 (I've done so and have the Zelle proof receipt.)
2. After our oral agreement on the phone that I will lend her \$10,000 EMD I've wired the \$10,000 immediately then I asked her we should put this in writing if you wish to barrow the entire escrow closing cost. Jean wish me to draft this Agreement which she sent the copy to my broker. She also asked me if she won't able to pay me back how can we proceed? So I told her if she can't return my money then she has to sell me the house at its original price.
3. Later Jean Poe and I both didn't want to proceed with this drafted Agreement and I agreed to cancel the purchase escrow for her before I went to sleep the night before my broker dropped me.

If you read the Affidavit from Jean Poe's father then you can understand why at the end she wanted to lie and frame me. Because at the beginning when Open Escrow she was expecting her father to put up the \$80,000 down payment. During the open escrow day one through canceling escrow every night she was talking to her father and I was talking to her father every night. Her father only wish her to buy the house without his any input. So her father ask me to pretend lender her, actually her father is will give the loan money back to me.

Her father and I knew if I don't claim the money is from me she would never give the money back to her father. And later she thought her father is not putting any money and she has to return the money herself she got mad and tried to damage me as much as possible by lying about "I didn't want Wayne to wire me the money.....".

I am presenting evidence as followed,

1. Affidavit from Jean Poe's father.
2. Jean Poe send me her account information asked me wire the EMD, Appraisal fee and mortgage initialing fee.
3. Wire and zelle proof from Wayne Tang to Jean Poe. (yellow high lighted on page 4/6)
4. SRPD signed by Jean Poe. (Our office, Nationwide Realty, policy is that upload all files to the Transaction Desk before receiving the commission. Broker made the rules to all the agents under Nationwide Realty)

I admit that I forgot to draft Duties Owed on this transaction because Jean and I spoke on the phone for more than one year just to consult her about real estate. I was never intend to be her agent from the beginning. I was just giving her information because her father asked me to. That's why when she said "I hope you will get your commission" I was so mad. I replied "I don't give a shit about commission". When she wanted me to send offer on a property I totally forgot about the Duties Owed form.

"Timely Matter"

2/10/2022 later night Jean Poe wish to cancel the purchase. I drafted a "Addendum to cancel" in the Transaction Desk around 2:30am 2/11/2022. I had a phone conversation that Cynthia had drafted the cancelation and sent it to escrow got it done around 12:30pm. My broker dropped me at 4:30pm the same day. I was wondering how much time is "Timely Matter"? From Jean told me to cancel to Cynthia canceled for me was only 16 hours, 4 hours later I got dropped. Yes, Cynthia looked through all the documents and words from Jean Poe and dropped me 3 hours after our 14 minutes phone conversation. But she never asked me why?

I declare the foregoing statement is true and correct subject to penalty of perjury in the Sate of Nevada.



Digitally signed by 519e9f9d-ef82-4e4b-8eaf-84f76bb8a59e
DN: cn=519e9f9d-ef82-4e4b-8eaf-84f76bb8a59e
Date: 2023.04.14 01:25:19 -0700

WAYNE TANG