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IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

NATHANAEL R. HOLZAPFEL
DOB 02/05/1979

Defendant.

AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

Case No. 211401564

Judge Thomas Low

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Sgt. Cole Christensen, of the Utah County Attorney's Office have personal knowledge
of and swear to the following:

1. I am the investigating officer in the above case.

2. The Utah County Attorney's Office has informed me it has filed an Information in the above case with this Court charging the defendant with three counts of 76-10-1801, Communications Fraud, a second-degree felony.
3. The defendant was charged with the above offense(s) because of the following:
 - a. From February of 2021 to July of 2021, I conducted an extensive investigation into the defendant as it relates to the fraudulent crimes he has committed. Following that investigation, I completed a report that was provided to Utah County Deputy Attorney Doug Finch. This case was then screened with the Utah County Screening Team. Utah County Deputy Attorney Doug Finch then wrote the following for the filing of an information after reading my investigative report:
 - b. On or between February 1, 2020 and November 18, 2020, in Utah County, Defendant engaged in a scheme and course of deception to defraud a vulnerable female Victim that resulted in Defendant taking approximately \$196,773.14 from Victim. This scheme included:
 - c. In February 2020, Defendant began dating and having a romantic relationship with Victim, a divorcee with significant health problems and a disabled, total care adult child in a wheelchair;
 - d. Defendant quickly began inquiring about Victim's financial situation, including how much equity Victim had in her home. Victim told Defendant that she had approximately \$200,000 of equity in her home. Defendant also had seen the home containing specialized disability devices to take care Victim's disabled child during his courtship of Victim;
 - e. Defendant started telling Victim that she needed to do something to protect the equity in her home. Defendant told Victim that Defendant had a company called Save My House, LLC that could protect the equity in her home and save her from paying high capital gains taxes if she needed to sell the home. Defendant spoke with Victim multiple times about wanting to help Victim protect her equity and how Defendant could save Victim on capital gains taxes if the home were sold in the future;

f. On May 14, 2020, Defendant took Victim to a Title company as a surprise. Defendant then pressured Victim into signing a pre-drafted Quit Claim Deed that transferred all of Victim's ownership interest in her home to Save My House, LLC for "Ten Dollars and other good and valuable consideration." Defendant represented that this transfer would protect Victim's equity in her home by transferring the home into Defendant's LLC. Victim reports being confused by the transaction and having resisted Defendant's requests, but Victim finally relented by signing the Quit Claim Deed based on Defendant's representations and her growing love and affection for Defendant. Officer has interviewed a witness to this transaction at the Title company, and witness informed Officer that it was obvious Victim did not want to sign the Quit Claim Deed but finally relented and signed.

g. At the time Defendant convinced Victim to sign the Quit Claim Deed, Defendant omitted to tell Victim that Defendant was having financial problems, had recently been sued, and had a default judgment entered against him for over \$250,000;

h. After signing the Quit Claim Deed, Victim reports that she told Defendant multiple times that she had changed her mind and wanted Defendant to transfer ownership of the home back to Victim. Defendant deflected Victim's requests and pressured Victim into keeping the home's ownership in his LLC. Victim reports Defendant then started ignoring her requests to reverse the Quit Claim Deed and transfer ownership of the home back to Victim;

i. Victim reports that Defendant also started putting pressure on Victim to sell her home and invest part of her equity into another alleged business of Defendant: Bristle & Beard, LLC. Victim reports Defendant told Victim that Defendant would give Victim \$115,000 cash and invest the remainder of \$115,000 from the home sale into this business.

j. Victim reports finally reluctantly agreeing to the sale of her home based on these representations. During these discussions, Defendant omitted to tell Victim that the alleged business Bristle & Beard, LLC was not an actual business existing at the time. Officer's investigation found this business was not registered as a corporation in Utah until November 10, 2020 according to Utah Department Of Commerce records. Defendant didn't register this business until after Victim threatened to report Defendant's actions to law enforcement;

k. Defendant then listed Victim's home for sale in July, 2020 and sold Victim's home at the end of August, 2020. Defendant handled all negotiations and paperwork for the sale without Victim's participation or knowledge of the events. Defendant also refused to provide Victim with any of the paperwork related to the sale of her home, and Victim did not even know the amount of money Defendant received from selling Victim's home;

l. After receiving the net proceeds from the sale of Victim's home, Officer's investigation found that Defendant deposited the net proceeds of \$207,773.14 into a business account in the name of NILC, LLP. Further investigation found that NILC, LLP is a domestic limited partnership registered in the State of Alaska with general partners listed as Defendant and his wife. During Defendant's romantic courtship and promised business dealings with Victim, Defendant refused to let Victim have any contact with his family and omitted to tell Victim that he was still married;

m. Officer's investigation also found that the bank account of NILC, LLP was overdrawn with a negative balance at the end of March and April, 2020, and Defendant omitted telling Victim about his financial problems when Defendant convinced Victim to sign the Quit Claim Deed regarding her home on May 14, 2002. At the end of May, 2020, Defendant's NILC, LLP account had a positive balance of only \$105.89;

n. After Defendant received the wire transfer of \$207,773.14 on September 1, 2020 from the sale of Victim's home, Officer's investigation found that Defendant promptly began transferring Victim's funds to other accounts controlled by Defendant. Defendant used these funds to pay for existing personal debts on his motor vehicle, attorney fees, credit cards, and to purchase expensive luxury items like firearms and gun supplies. Between September 1, 2020 and January 14, 2021, Defendant transferred and spent over \$159,000 received from the sale of Victim's home for his sole benefit;

o. After Victim learned of the sale of her home, Victim told Defendant many times that she wanted all proceeds from the sale of the home returned to Victim. Defendant never returned these proceeds, instead, Defendant tried to pressure and negotiate with Victim to invest in his alleged business Bristle & Beard, LLC. During these negotiations, Defendant omitted to tell Victim that Defendant was already spending the majority of the home sale proceeds for his sole personal benefit;

p. After Victim finally threatened to report these events to police officers in about November 2020, Defendant cut off all contact with Victim and disappeared. Officer has been unable to physically locate Defendant and only briefly spoken with Defendant during a phone call; and

q. Officer's investigation was only able to document Defendant paying Victim a total of \$11,000 of the proceeds from the sale of Victim's home.

4. I have made numerous attempts at contacting Mr. Holzapfel. The last contact I had was from his attorney was on May 11, 2021. At that time, I was advised he would have some information for me by the end of the week which I understood as Friday, May 14, 2021. Since that time, I have continued to investigate the case with no communications from Mr. Holzapfel or his attorney.

5. On April 28, 2021, in an effort to locate Mr. Holzapfel, I spoke with Irene Holzapfel, the mother of Mr. Holzapfel's children. Ms. Holzapfel was extremely uncooperative and provided no information and asked that I not speak with her again.

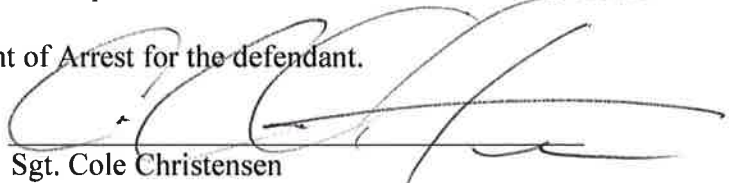
6. Through my investigation I found the address on his Utah driver's license was the same address for the La Quinta hotel located in Orem, Utah. This information was dated, however, I surveilled the area in hopes of encountering Mr. Holzapfel at the hotel. This effort was also unsuccessful.

7. After additional investigation, I found his mailing address was a UPS store mailbox located on north University Avenue in Provo, Utah. This is the same address found on several of his banking accounts. I was unable to locate Mr. Holzapfel at this site.

8. Finally, Ms. Holzapfel and their children live in an apartment near the Riverwoods shopping center in Orem, Utah. I have spent numerous hours surveilling the area for Mr. Holzapfel and spoke with several of the residents in the area asking if they had seen Mr. Holzapfel recently. All those efforts have also proven unsuccessful in locating Mr. Holzapfel.

9. The victim in this case, Ms. Morton also reports a concern for her and her children's safety. She is concerned Mr. Holzapfel will retaliate against her once confronted regarding the criminal allegations. Ms. Morton previously reported Mr. Holzapfel is still in possession of her garage door fab. She additionally reported her son recently saw Mr. Holzapfel inside of their secured garage and shortly after that it had appeared as though the door to her apartment had been tampered with.

10. Based on the above information and pursuant to Utah Rule of Criminal Procedure 6, I request this Court order a Warrant of Arrest for the defendant.


Sgt. Cole Christensen
Utah County Attorney Investigations Bureau

Subscribed and sworn to before me this 22nd day of September,

20 21, by Sgt. Cole Christensen.




NOTARY PUBLIC