

Jonathan O. Hafen (6096) (jhafen@parrbrown.com)
Jeffery A. Balls (12437) (jballs@parrbrown.com)
Michael S. Lehr (16496) (mlehr@parrbrown.com)
PARR BROWN GEE & LOVELESS, P.C.
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Telephone: (801) 532-7840
Facsimile: (801) 532 7750

Attorneys for Court-Appointed Receiver R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

**RECEIVER'S NOTICE OF SALE
RESULTS**

**(67.5-Acre Millard County Property Parcel
No. HD-4606-2)**

Civil No. 2:15-cv-00828-DN

District Judge David Nuffer

R. Wayne Klein, the Court-Appointed Receiver (the "Receiver") for RaPower-3, LLC, International Automated Systems, and LTB1 (collectively, "RaPower"), and the assets of Neldon Johnson and R. Gregory Shepard, by and through his counsel, hereby files this *Notice of Sale Results (67.5-Acre Millard County Property Parcel No. HD-4606-2)*. In support hereof, the Receiver states as follows:

1. On March 15, 2021, the Court entered an *Order Granting Receiver's Motion Requesting (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of*

*Publication Notice, and (3) Public Auction Procedures*¹ (the “Sale Order”), authorizing procedures for and the public sale of certain real property described as a 67.5-acre property having parcel number HD-4606-2, located in Millard County, Utah (the “Real Property”), free and clear of interests. A legal description of the Real Property is set forth in the Sale Order.

2. Pursuant to the Sale Order, the Receiver provided notice of the auction via publication of the Court-approved notice in the *Millard County Chronicle Progress* once a week for a period of four weeks prior to the auction date, on the Receiver’s website, and via solicitations of potential real estate investors by electronic mail and regular mail. The legal notice was published on December 9, 16, 22, and 30, 2020. Evidence of the publication of notice is attached hereto as **Exhibit A**. The Receiver also sent notice of the auction to others who had indicated an interest in the property, one of which became the high bidder at the auction.

3. One other bidder qualified to bid before the prequalification deadline for the auction, so the Receiver conducted the auction. The property sold for \$27,000 to Mountain Mooney LC, a company owned by Thom Belchak, who has purchased several Receivership properties. The final high bid was \$3,000 higher than the stalking horse bid of \$24,000.

4. After the auction, the title company notified the Receiver that the legal description contained in the Sale Order was incorrect. The Receiver filed a motion requesting approval of a corrected sale order,² which was granted.³

¹Docket no. 1028, filed December 1, 2020.

²Docket no. 1092, filed February 23, 2021.

³Docket no. 1102, filed March 15, 2021.

5. The sale of the Real Property to the high bidder closed on March 23, 2021. The following is a summary of the results of this sale.

Gross Sales Price	\$27,000.00
2020 Property Tax	-\$29.24
Real Estate Commissions	-\$1,440.00
Title Insurance	-\$294.00
Settlement Agent Fee, Escrow Fee	<u>-\$250.00</u>
NET SALES PROCEEDS	\$24,986.76

6. The net sales proceeds were deposited into the Receivership operating account.
7. The earnest money deposit was returned to the stalking horse bidder.

DATED this 9th day of April, 2021.

PARR BROWN GEE & LOVELESS

/s/ Jeffery A. Balls

Jonathan O. Hafen

Jeffery A. Balls

Michael S. Lehr

Attorneys for Receiver

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing was electronically filed with the Clerk of the Court through the CM/ECF system on April 9, 2021, which sent notice of the electronic filing to all counsel of record.

IT IS FURTHER CERTIFIED that, on the same date, by U.S. Mail, first-class, postage pre-paid, I caused to be served the same documents upon the following persons:

R. Gregory Shepard
858 Clover Meadow Dr.
Murray, Utah 84123

Neldon Johnson
PO Box 95332
South Jordan, UT 84095

Pro se Defendants

/s/ Wendy V. Tuckett