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LTB1, and Neldon Johnson

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p>DECLARATION OF R. GREGORY SHEPARD IN SUPPORT OF MOTION TO LIFT FREEZE ORDER AS TO CERTAIN ASSETS</p> <p>Judge David Nuffer Magistrate Judge Evelyn J. Furse</p>
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Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Greg Shepard and I make this declaration under oath and based on my personal knowledge.
2. I respectfully ask the Court to unfreeze my Allianz pension plan of \$431 a month and my Bigger Faster Stronger business buyout of \$1,000 a month. These payments are critical to my family's financial survival.
3. I have received letters from Bigger Faster Stronger (Exhibit 1) and from Allianz (Exhibit 2) that they will no longer be sending my payments because of the Asset Freeze Order.

4. I was receiving \$8,500 per month from RaPower-3, LLC, but those payments have ceased.
5. That \$8,500 was supporting my wife and me, my wife's 94-year-old mother who lives with us. In addition, my son, Matthew Shepard and his wife and three children who also live with us in our basement.
6. My wife and I each receive social security. My monthly social security income is \$1,923.00. I also am receiving \$480 per month from a life insurance annuity. My son, Matt Shepard, receives \$1,400 a month from military disability. Those payments alone fall far short of what we need to survive. My mortgage payment is \$1,436. So, with utilities and food for eight people, there is not enough to make it.
7. I try to substitute teach, which pays \$85 per day. I am 76 years old and am taking seven (7) different medications to control my heart conditions. I also have muscular dystrophy, so life does present challenges. Unfortunately, my son Matt, inherited my muscular dystrophy which creates its own challenges.
8. My bishop is aware of our family situation and is willing to provide some assistance from the church storehouse for food. With the \$431 Allianz payment and the \$1,000 Bigger Faster Stronger payment combined with some substitute teaching, we could just barely make it.
9. So, please, unfreeze those two accounts.

I declare under the penalty of perjury, that the foregoing is true and correct.

DATED this 28th day of September, 2018.

/s/ R. Gregory Shepard
R. Gregory Shepard

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANT GREG SHEPARD'S MOTION TO LIFT FREEZE ORDER AS TO CERTAIN ASSETS** was sent to counsel for the United States in the manner described below.

Erin Healy Gallagher
Erin R. Hines
Christopher R. Moran
US Dept. of Justice
P.O. Box 7238
Ben Franklin Station
Washington, DC 20044
Attorneys for USA

Sent via:
 Mail
 Hand Delivery
 Email: erin.healygallagher@usdoj.gov
erin.r.hines@usdoj.gov
christopher.r.moran@usdoj.gov
 Electronic Service via Court's
CM/ECF filing program

/s/ Steven R. Paul
Attorneys for Defendants

EXHIBIT 1



David O. Parkinson
Email: dparkinson@btjd.com
Direct: (801) 438-2019

September 19, 2018

Robert H. Rowbotham
Bigger Faster Stronger, Inc.
P. O. Box 17166
Salt Lake City, UT 84117

Re: Payments to R. Gregory Shepard
Court Ordered Freeze of Assets

Dear Bob:

I received the copy of the *Memorandum Decision and Order Freezing Assets and to Appoint a Receiver*, dated August 31, 2018 ("Order"), and related documents from the matter of *United States of America v. RAPOWER-3, LLC, et. al.* According to the Order, no receiver has yet been appointed to administer the assets of the defendants. If a receiver had already been appointed, BFS would be making payments to the receiver, as would any other sources making payments to Greg, and the receiver would then distribute the amount designated in the Order to Greg each month.

Since all of Greg's assets are now "frozen," you cannot make payments to Greg. Since no receiver has been appointed, the safe approach would be to establish a separate bank account and deposit the monthly payments into that account until such time as you receive notification that a receiver has been appointed. At that point, we can seek directions from the receiver on how to disburse the funds in the account.

If you have additional questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'David'.

David O. Parkinson
Bennett Tueller Johnson & Deere, LLC

DOP/vb

3165 East Millrock Drive
Suite 500
Salt Lake City, Utah
84121-4704

t (801) 438-2000
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www.btjd.com

EXHIBIT 2

Allianz Life Insurance Company of North America
PO Box 59060
Minneapolis, MN 55459-0060
800.950.1962
www.allianzlife.com



September 20, 2018

Contract #: 70095001

GREG SHEPARD
858 W CLOVER MEADOW DR

MURRAY, UT 84123

Dear GREG SHEPARD:

We're contacting you about the contract, referenced above.

We are writing to let you know that we have received an order to freeze assets from the United States District Court of Utah, Central Division. Enclosed is a copy of the notice for your records. Any questions regarding this, please contact your attorney.

For more information or assistance: please contact your financial professional, or call an Allianz Service Representative at **800.950.1962**.

Policyholder Services
Allianz Life Insurance Company of North America

CC:

To view contract details on our website

For 24/7 access to your contract information and values, log in at www.allianzlife.com, and select the contract you want to view. If you haven't previously registered, click "Register" and follow the instructions to create your account.