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**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.

**MOTION FOR ORDER RELEASING
PROPERTIES FROM RECEIVERSHIP
ESTATE**

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

The Honorable David Nuffer

Wayne Klein, the Court-Appointed Receiver (the “Receiver”) of RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC (collectively “RaPower-3”), as well as certain subsidiaries and entities affiliated with RaPower-3 and the assets of Neldon Johnson (“Johnson”) and R. Gregory Shepard (“Shepard”), hereby submits this Motion seeking the release of four parcels of real estate, properties (f)-(i) in paragraph 20 of the Receivership Order

(the “Properties”),¹ from the Receivership Estate. In support hereof, the Receiver states as follows:

1. On information and belief, the Properties were made part of the Receivership Estate due to Neldon Johnson’s wife being named “Glenda Johnson” and concerns that various properties that at one time had been owned by Neldon Johnson or RaPower-3 had been transferred to other owners.

2. After investigation, the Receiver has determined that there are two different persons named Glenda Johnson who live in Delta, Utah.

3. The Glenda Johnson who is married to Howard Johnson is unrelated to Neldon Johnson and the Receiver believes, after investigation, that Glenda and Howard Johnson have no family relations or business relations with Neldon Johnson.

4. The Receiver confirmed that the Properties held in the name of Howard and Glenda Johnson, as trustees for the H & G Johnson Trust, should not be assets of the Receivership Estate because they do not represent proceeds from any of the illicit activities of the Receivership Defendants.

5. Attorneys for the United States have informed the Receiver that the United States does not object to the Receiver seeking release of the Properties from the Receivership Estate.

¹ The Properties are listed in paragraph 20 of the Receivership Order as:

(f) “Millard County, Utah assessor’s parcel number DO-3396”;
(g) “Millard County, Utah assessor’s parcel number DO-3396-5”;
(h) “Millard County, Utah assessor’s parcel number DO-3396-6”;
(i) “Millard County Utah assessor’s parcel number DO-3396-10”

See Docket No. 491 at ¶ 20(f)-(i).

The Receivership Order also contains a legal descriptions for each property. *Id.* It should be noted, however, that the legal description for the property listed at paragraph 20(f) is missing a few lines. After “corner of the” the description should end with “Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 32; and thence West 660.0 feet more or less to the beginning.” See Quit-Claim Deed, attached hereto as Exhibit A.

Accordingly, the Receiver hereby requests an order releasing the Properties from the Receivership Estate and directing the Receiver to record the release in the Millard County Recorder's office.

A proposed Order is submitted herewith.

DATED this 7th day of December, 2018.

PARR BROWN GEE & LOVELESS

/s/ Michael S. Lehr

Jonathan O. Hafen

Joseph M.R. Covey

Cynthia Love

Michael S. Lehr

Attorneys for Receiver

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the above **MOTION FOR ORDER RELEASING PROPERTIES FROM RECEIVERSHIP ESTATE** was electronically filed with the Clerk of the Court through the CM/ECF system on December 7, 2018, which sent notice of the electronic filing to all counsel of record.

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