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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**ORDER APPROVING (1) PUBLIC  
SALE OF PROPERTY FREE AND  
CLEAR OF INTERESTS, (2) METHOD  
AND FORM OF PUBLICATION  
NOTICE, AND (2) PUBLIC AUCTION  
PROCEDURES**

**(Tower Site: Millard County Property  
HD-4658-1)**

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

District Judge David Nuffer

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Before the Court is *Receiver's Motion Requesting Order Approving (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures* (the "Motion") filed by R. Wayne Klein, the Court-Appointed Receiver (the "Receiver") in the above-captioned case, related to the sale of certain real property located in Millard County, Utah (the "Property"), identified by parcel number HD-4658-1 and also

described as S11, T17S, R8W.<sup>1</sup>

Through the Motion, the Receiver is seeking (1) authorization to sell the Property at public sale to the highest and best offeror, free and clear of all interests, (2) approval of the form and method of publication notice, and (3) approval of the proposed auction procedures.

The Court has reviewed the Motion together with all of the Exhibits attached thereto, all other papers filed related thereto, and applicable law. Based thereon and for good cause appearing,

**IT IS HEREBY ORDERED** that:

1. The Motion is GRANTED.
2. The sale of the Property free and clear of interests as set forth in the Motion to the proposed buyer or a higher and better offeror at auction is APPROVED.
3. The method and form of the publication notice as set forth in the Motion are APPROVED. The following notice shall be published in the *Millard County Chronicle Progress*, a newspaper of general circulation in Millard County, Utah, once a week for a period of four weeks prior to the public sale:

R. Wayne Klein, Receiver for RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC, as well as certain of their subsidiaries and affiliates and the assets of Neldon Johnson and R. Gregory Shepard (the "Receiver") in the civil case styled as United States of America v. RaPower-3, LLC et al., Civ. Case No. 2:15-cv-00828-DN (D. Utah) ("Civil Case"), gives notice of his intent to sell certain real property located in Millard County, UT, with parcel number HD-4658-1 (the "Property") through a public auction to the highest bidder payable in lawful money of the United States on the \_\_\_ day of \_\_\_, 2019 at the hour of \_\_\_ at the Fourth District Court in Millard County, 765 South Highway 99, Suite 6, Fillmore, UT 84631, or as may be continued from time to time by the Receiver (the

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<sup>1</sup> See Docket No. 491 ¶ 20(u).

“Auction”). The Property will be sold at the Auction free and clear of all interests, “as is” with no representations and warranties. The Receiver has accepted an initial bid of \$3,800.00 to act as the opening “Stalking Horse Bid” at Auction. Only “Qualified Bidders” may participate in the Auction. To be a Qualified Bidder, you must comply with the “Auction Procedures” that have been approved in the Civil Case at least five business days before the Auction, which Auction Procedures may be obtained upon request made to the Receiver’s counsel at: Parr Brown Gee & Loveless, attn: Michael S. Lehr, 101 South 200 East, Suite 700, Salt Lake City, Utah 84111; mlehr@parrbrown.com.

4. The Auction Procedures described in the Motion and attached to the Motion as Exhibit C are APPROVED.

DATED this \_\_\_ day of \_\_\_\_\_, 2019.

**BY THE COURT:**

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The Honorable David Nuffer  
U.S. District Court Judge