

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**

**(320-Acre Millard County Property Parcel
No. HD-4612)**

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 (320-Acre Millard County Property Parcel No. HD-4612)*. In support hereof, the Receiver states as follows:

1. On August 19, 2019, the Court entered an *Order Approving (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of Publication Notice, and ([3])*

*Public Auction Procedures (320-Acre Millard County Property HD-4612)*¹ (the “Sale Order”), authorizing procedures for and the public sale of certain real property described as a 320-acre property having parcel number HD-4612, 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 published legal notice indicated the Receiver had set an auction date of September 26, 2019. Evidence of the publication of notice is attached hereto as **Exhibit A**.

3. No other bidder qualified to bid before the prequalification deadline for the auction, so the Receiver canceled the auction and notified the stalking horse bidder that the Receiver was ready to close the sale for the stalking horse bid of \$90,000.

4. The sale of the Real Property to the stalking horse bidder (Home Court LLC) closed on September 25, 2019. The following is a summary of the results of this sale.

Gross Sales Price	\$90,000.00
2019 Greenbelt Rollback Tax	-\$921.03 ²
2019 Property Tax	-\$649.09
2015-2018 Greenbelt Rollback Tax	-\$4,462.20
Real Estate Commissions	-\$5,400.00
Title Insurance	-\$576.00
Settlement Agent Fee, Escrow Fee	<u>-\$250.00</u>
NET SALES PROCEEDS	\$77,741.68

¹ [Docket No. 751](#), filed Aug. 19, 2019.

² IAS had claimed the property was being used for agricultural purposes, which qualified it for a lower property tax rate. The Millard County Assessor discovered that the greenbelt claim was not justified and recaptured five years of property taxes at the regular tax rate.

5. The net sales proceeds will be deposited into the Receivership operating account.
6. There were no bid deposits to return.

DATED this 30th day of September 2019.

PARR BROWN GEE & LOVELESS

/s/ Michael S. Lehr
Jonathan O. Hafen
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 September 30, 2019, 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

Pro se Defendants

/s/ Michael S. Lehr