
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.

**ORDER APPROVING (1) PUBLIC
SALE OF PROPERTY FREE AND
CLEAR OF INTERESTS, (2) METHOD
AND FORM OF PUBLICATION
NOTICE, AND (3) PUBLIC AUCTION
PROCEDURES (4805, 4806-A, 4806-B)
(DOC. NO. 1035)**

Case No. 2:15-cv-00828-DN-DAO

Judge David Nuffer

Magistrate Judge Daphne A. Oberg

Before the Court is the 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 (“Motion,” Doc. No. 1035) filed by R. Wayne Klein, the Court-Appointed Receiver (the “Receiver”), related to the sale of certain real property located in Millard County, Utah (the “Property”), identified by parcel numbers 4805, 4806-A, and 4806-B and described as follows:

The northwest quarter of section 27, township 17 south, range 9 west, Salt Lake base and meridian. (4805.)

All of section 28, township 17 south, range 9 west, Salt Lake base and meridian. (4806-A.)

The east one half of Section 29, township 17 south, range 9 west, Salt Lake base and meridian. (4806-B.)

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. No

opposition was filed. The Court has reviewed the Motion and together with the exhibits attached thereto, all other papers filed related thereto, and applicable law. Based on the court's review and for good cause appearing, the court **ORDERS** that:

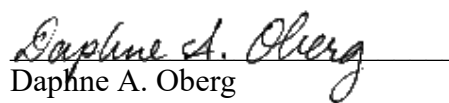
1. The Motion is **GRANTED**;
2. The sale of the Property free and clear of interests as set forth in the Motion to the proposed buyer or a higher and better offeror at auction is **APPROVED**.
3. The method and form of the publication notice as set forth in the Motion are **APPROVED**. The following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

R. Wayne Klein, the court-appointed receiver ("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, in the civil case ("Case") styled *United States v. RaPower-3, LLC*, No. 2:15-cv-00828-DN (D. Utah) gives notice of his intent to sell certain real property ("Property") constituting three parcels totaling 1,120 acres located in Millard County, UT, with parcel numbers 4805, 4806-A, and 4806-B, through a public auction ("Auction") to the highest bidder payable in lawful money of the United States on _____, 2021 at ____:____.m. at the Fourth Judicial District Court in Millard County, 765 S. Highway 99, Ste. 6, Fillmore, UT, or as may be continued from time to time by the Receiver. The Property will be sold at the Auction free and clear of all interests, "as is," with no representations or warranties. The Receiver has accepted an initial bid of \$278,000.00 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, at least five business days before the Auction, comply with the "Auction Procedures" that have been approved in the Case, which Auction Procedures may be obtained upon request made to attorney Michael S. Lehr, Parr Brown Gee & Loveless, 101 S. 200 E., Ste. 700, Salt Lake City, Utah 84111, mlehr@parrbrown.com. If Qualified Bidders indicate a desire to bid on only one or two of the parcels, the Receiver may conduct separate provisional auctions where bids will be accepted for each parcel separately and bids accepted for the three parcels together.

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

DATED this 29th day of December, 2020.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge