
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

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 GRANTING RECEIVER’S *EX*
PARTE MOTION AND MEMORANDUM
IN SUPPORT OF ORDER APPROVING
METHOD AND FORM OF
PUBLICATION NOTICE OF SALE OF
REAL PROPERTY (PAYSON, UTAH
CONDOMINIUM) (DOC. NO. 1038)**

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

Judge David Nuffer

Magistrate Judge Daphne A. Oberg

Before the court is the Receiver’s Ex Parte Motion and Memorandum in Support of Order Approving Method and Form of Publication Notice of Sale of Real Property (Payson, Utah Condominium) (“Motion,” Doc. No. 1038) filed by R. Wayne Klein, the Receiver appointed in the above-captioned case (“Receiver”). No opposition was filed. Based on the court’s review of the Motion, applicable law, and for good cause appearing, the court **ORDERS** that:

(1) The Motion is **GRANTED**.

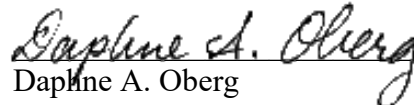
(2) The method and form of the publication notice as set forth in the Motion are **APPROVED**. The following notice of the sale of the “Property,” as defined in the Motion, shall be published in *The Daily Herald*, a newspaper published in Utah County, Utah, for a period of one (1) day at least ten (10) days before the entry of any order approving the proposed sale:

R. Wayne Klein, the court-appointed receiver (“Receiver”) for RaPower-3, LLC, International Automated Systems, Inc., and LTBI, 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 through private sale, and free of all liens and interests, certain real property located at 1045 South 1700 West #132, Payson, UT 84651 (the "Property"). The Receiver has accepted a cash offer of \$214,000, subject to approval by the U.S. District Court in the Case and higher and better offers as allowed pursuant to 28 U.S.C. § 2001. The Receiver has filed a motion seeking the District Court's approval of the proposed sale. This motion for approval will come for a hearing before the Honorable David Nuffer at 351 South West Temple, Salt Lake City, Utah on _____, 2021 at _____:_____ in Room ____ [*or via virtual means at _____*]. Any person objecting to the sale or wishing to submit a higher and better purchase offer, with such offer being at least 10% greater than the offer the Receiver has accepted, should present it in writing so that it is received no later than 10 days from the date of this notice to the Receiver's attorney Michael S. Lehr, Parr Brown Gee & Loveless, 101 S. 200 E., Ste. 700, Salt Lake City, Utah 84111, mlehr@parrbrown.com.

DATED this 30th day of December, 2020.

BY THE COURT:



Daphne A. Oberg
United States Magistrate Judge