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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**

**(1,120-Acre Millard County Property
Parcel No.'s 4805, 4806-A, 4806-B)**

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 (1,120-Acre Millard County Property Parcel No.'s 4805, 4806-A, 4806-B)*. In support hereof, the Receiver states as follows:

1. On December 29, 2020, 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 (4805, 4806-A, 4806-B)*¹ (the “Sale Order”), authorizing procedures for and the public sale of certain real property described as an 40-acre property having parcel numbers 4805, 4806-A, and 4806-B, 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 February 9, 2021. Evidence of the publication of notice is attached hereto as **Exhibit A**.

3. After publication, no other bidders timely expressed an interest in bidding at the auction. Because no other bidders met the prequalification criteria described in the approved auction procedures before the deadline, the Receiver canceled the auction. After the auction was canceled, one other bidder expressed an interest in bidding. The Receiver informed the bidder that the auction had already been canceled pursuant to auction procedures approved by the Court.

4. After the auction was canceled, the Receiver awarded the property to the stalking horse bidder for the bid of \$278,000.

5. The sale of the Real Property to the stalking horse bidder (Tejal Patel) closed on March 4, 2021. The following is a summary of the results of this sale.

Gross Sales Price	\$278,000.00
Property Tax	-\$115.50
Real Estate Commissions	-\$16,680.00
Title Insurance	-\$1,561.00

¹ [Docket No. 1052](#), filed December 29, 2020.

Settlement Agent Fee, Escrow Fee	<u>-\$250.00</u>
NET SALES PROCEEDS	\$259,393.50

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

DATED this 12th day of March 2021.

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 March 12, 2021, 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 W. Clover Meadow Dr.
Murray, Utah 84123

Neldon Johnson
PO Box 95332
South Jordan, UT 84095

Pro se Defendants

/s/ Michael S. Lehr