
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 GRANTING RECEIVER’S
MOTION REQUESTING APPROVAL OF
CORRECTED SALE ORDERS
(DOC. NO. 1092)**

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

Judge David Nuffer

Magistrate Judge Daphne A. Oberg

Before the court is Receiver’s Motion Requesting Approval of Corrected Sale Orders (“Mot.,” Doc. 1092). The court issued two prior orders approving the sale of properties in Millard County, Utah: HD-4606-2 (Doc. No. 1028) and HD-4606-2-1 (Doc. No. 1076).

Rule 60(a) of the Federal Rules of Civil Procedure permits the court to “correct a clerical mistake or a mistake arising from oversight or omission” in an order. Fed. R. Civ. P. 60(a). The court may make this correction “on motion or on its own, with or without notice.” *Id.*

The court’s orders approving sales of properties (Doc. Nos. 1028 and 1076) contained the legal descriptions proposed by the receiver. (Mot. 3, Doc. No. 1092.) The receiver has since learned from a title company that both descriptions are incorrect, namely, the area of HD-4606-2-1 was “lessed out” of HD4606-2; the property description of HD-4606-2-1 was the incorrect legal description; and the descriptions failed to specify that the Water Right No. 68-2388 is associated only with HD-4606-2-1 and not the two formerly combined parcels. (*Id.* at 2–3.) The receiver contends this was a clerical mistake. He seeks corrected orders to clarify the legal

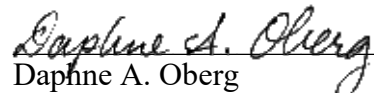
descriptions “to reduce the risk of any confusion by buyers and to avoid incorrect legal descriptions being in the chain of title for either property.” (*Id.* at 4.)

The receiver sold parcel HD-4606-2 at an auction and is in the process of closing. (*Id.* at 2.) The receiver represents that the buyer of HD-4606-2 is aware that no water rights are conveyed with that property. (*Id.* at 3–4.) Parcel HD-4606-2-1 was scheduled to sell at an auction on March 11, 2021. (*Id.* at 2.) Further, according to the receiver, because the legal notices published in the Millard County Chronicle Progress identified the properties by the correct parcel numbers, without any legal descriptions, “no bidders or potential bidders were misled about what properties were being offered for sale or the size of the properties.” (*Id.* at 4.) No opposition was filed to the receiver’s motion.

The court GRANTS the receiver’s motion and will issue corrected orders pursuant to Rule 60(a).

DATED this 15th day of March, 2021.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge