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**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**

**(Millard County Home and .82 Acres,
Parcel No. HD-4497-1)**

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

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 (Millard County Home, Parcel No. HD-4497-1)*. In support hereof, the Receiver states as follows:

1. On November 1, 2021, the Court entered an *Order Granting 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 Procedures¹ (the “Sale Order”), authorizing procedures for and the public sale of certain real property described as a home and .82 acres having parcel number HD-4497-1, 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 December 2, 2021. 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 \$205,000.

4. The sale of the Real Property to the stalking horse bidder (Audie Colt Ekker) closed on December 6, 2021. The following is a summary of the results of this sale.

Gross Sales Price	\$205,000.00
Buyer Credit	-\$5,000.00
Property Tax Credit ²	\$56.23
Home Warranty	-\$550.00
Real Estate Commissions	-\$12,300.00
Title Insurance	-\$1,273.00
Settlement Agent Fee, Escrow Fee	<u>-\$380.00</u>
NET SALES PROCEEDS	\$185,553.23

¹Docket No. 1172, filed November 1, 2021.

²The Receiver had already paid 2021 property taxes for the Property.

5. The title report for the Property revealed that the Utah Tax Commission filed a \$3,092.14 warrant for delinquent taxes against Neldon Johnson on the Property. The tax lien was filed February 4, 2019, after issuance of the Corrected Receivership Order. This is the same amount and same warrant number as a tax lien the Utah Tax Commission filed against the ten-acre parcel with parcel number DO-3151. The Receiver has written to the Utah Tax Commission asking its basis for a claim against parcel number DO-3151 for taxes owed by Neldon Johnson.

6. The net sales proceeds will be deposited into the Receivership operating account. The Receiver will retain sufficient funds in the Receivership operating account to pay the tax lien described in paragraph 5 should the Utah Tax Commission seek to enforce, and succeed in enforcing, its Neldon Johnson tax lien against proceeds from the sale of the Property.

7. There were no bid deposits to return.

DATED this 27th day of December 2021.

PARR BROWN GEE & LOVELESS

/s/ Jeffery A. Balls

Jonathan O. Hafen

Jeffery A. Balls

Cynthia Love

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 December 27, 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
10672 Winter Haven Court
South Jordan, Utah 84095

Neldon Johnson
Post Office Box 95332
South Jordan, Utah 84095

Pro se Defendants

/s/ Wendy V. Tuckett _____