
**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
(HD-4658)**

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

District Judge David Nuffer

Magistrate Judge Daphne A. Oberg

Before the Court is *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* (the "Motion") filed by R. Wayne Klein, the Court-Appointed Receiver (the "Receiver") in the above-captioned case, related to the sale of certain real property located in Millard County, Utah (the "Property"), identified by parcel number HD-4658 and described as follows:

Beginning at the Southwest corner of the Northwest quarter of the Northwest quarter of Section 11, Township 17 South, Range 8 West, Salt Lake Base and Meridian, thence North 0°48'32" East 234.51 feet along the section line; thence North 78°41'15" East 680 feet; thence South 03°07'08" West 378.38 feet to the South boundary of said Northwest quarter of the Northwest quarter; thence North 89°07'23" West 649.59 feet along said South boundary to the point of beginning.

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.

The Court has reviewed the Motion and together with the Exhibits attached thereto, all other papers filed related thereto, and applicable law. Based thereon and for good cause appearing,

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED;
2. The sale of the Property (including water rights) 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 4.6 acres of land located in Millard County, UT, with parcel number HD-4658, along with rights to 10 acre-feet of water, through a public auction (“Auction”) to the highest bidder payable in lawful money of the United States on _____, 2022, 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 \$65,000.00 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 Jeffery A. Balls, Parr Brown Gee & Loveless, 101 S. 200 E., Ste. 700, Salt Lake City, Utah 84111, jballs@parrbrown.com.

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

DATED this _____ day of _____, 2022.

BY THE COURT:

Daphne A. Oberg
United States Magistrate Judge