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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**

**(80-Acre Millard County Property Parcel
No. HD-4657)**

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 (80-Acre Millard County Property Parcel No. HD-4657)*. In support hereof, the Receiver states as follows:

1. On July 18, 2019, 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 (80-Acre Millard County Property HD-4657)*¹ (the “Sale Order”), authorizing procedures for and the public sale of certain real property described as an 80-acre property having parcel number HD-4657, 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 August 22, 2019. Evidence of the publication of notice is attached hereto as **Exhibit A**.

3. After publication, two additional bidders expressed an interest in bidding at the auction. One of the potential bidders signed the Auction Procedures Agreement and indicated an intent to pay the bid deposit. However, the bidder did not pay the bid deposit before the auction date. The Receiver decided to hold the action in the event that bidder or the other potential bidder appeared at the auction.

4. No other bidder appeared at the auction, so the Receiver awarded the property to the stalking horse bidder for the bid of \$24,000.

5. The sale of the Real Property to the stalking horse bidder (Carlos Garcia) closed on August 28, 2019. The following is a summary of the results of this sale.

Gross Sales Price	\$24,000.00
Property Tax/Greenbelt Rollback	-\$849.71 ²

¹ [Docket No. 723](#), filed July 18, 2019.

² IAS had claimed the property was being used for agricultural purposes, which qualified it for a lower property tax rate. The Millard County Assessor discovered that the greenbelt claim was not justified and recaptured five years of property taxes at the regular tax rate.

Real Estate Commissions	-\$1,440.00
Title Insurance	-\$294.00
Settlement Agent Fee, Escrow Fee	<u>-\$250.00</u>
NET SALES PROCEEDS	\$21,166.29

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

DATED this 30th day of September 2019.

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 September 30, 2019, 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 Clover Meadow Dr.
Murray, Utah 84123

Pro se Defendants

/s/ Michael S. Lehr