

EXHIBIT F

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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.

**DECLARATION OF RECEIVER R.
WAYNE KLEIN**

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

The Honorable David Nuffer

I, R. Wayne Klein, declare as follows:

1. I am the Court-Appointed Receiver (“Receiver”) in the above captioned matter. I make this declaration based upon my personal knowledge and the contents of records I maintain in the ordinary course of business, which I believe to be true. I have personal knowledge of the statements and matters set forth herein and, if called to testify, would testify as follows:

2. On August 30, 2019, I caused the *Motion for Order Directing Turnover and Transfer of Real Properties Titled in the Name of Glenda Johnson and Funds in Accounts Controlled by Glenda Johnson* (“Motion”) to be filed in the above captioned matter.¹

3. Attached to the Motion were various documents including bank records, deeds, and QuickBooks records.

4. I obtained the bank records attached to the Motion from: (1) Zions Bank, Wells Fargo Bank, Millard County Credit Union, or Bank of American Fork; (2) the United States Department of Justice; and (3) Glenda Johnson.

5. The bank records delivered to me by Glenda Johnson are attached to the Motion as Exhibits 11-3, 11-4, and 11-5. Glenda Johnson delivered these records to me pursuant to an order of this Court.² I have confidence in the authenticity of these records because their contents are consistent with information contained in other records we have reviewed and they appear to me to have been made at or near the time each transaction was made by someone with knowledge and kept in the regular course of business.

6. As Receiver for RaPower-3, LLC, (“RaPower”), and International Automated Systems, Inc. (“IAS”), I am custodian of RaPower and IAS records. The Corrected Receivership Order requires Receivership Defendants, as well as their agents, servants, employees, attorneys, any persons acting for or on behalf of the Receivership Defendants, or any other person otherwise having possession of the property, business, books, records, accounts, or assets of the Receivership Defendants, to deliver the same to me.³

¹ Docket No. 757.

² Docket No. 672, filed on May 24, 2019.

³ Docket No. 491, ¶ 17.

8. Glenda Johnson was the bookkeeper of IAS and RaPower.

9. Glenda Johnson produced IAS and RaPower records, including QuickBooks records, to me pursuant to requirements of the Corrected Receivership Order.

10. Based on my review of the QuickBooks records and other documents I have reviewed as Receiver and custodian of the records, I have no reason to question the authenticity of the QuickBooks records and they appear to me to have been made at or near the time each transaction was made by someone with knowledge and kept in the regular course of business.

11. The purported contract between Solstice and Glenda Johnson dated January 18, 2013 appears to me to be a business record of Solstice Enterprises, Inc. To the best of my knowledge, that document was not delivered to me before it was included in a filing with the Court as an exhibit to the October 11, 2019 declaration of Glenda Johnson.

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 22nd day of November, 2019, at Salt Lake City, Utah.


R. Wayne Klein, Receiver