

Denver C. Snuffer, Jr. (#3032) denversnuffer@gmail.com
Steven R. Paul (#7423) spaul@nsdplaw.com
Daniel B. Garriott (#9444) dbgarrriott@msn.com
Joshua D. Egan (#15593) joshua.d.egan@gmail.com
NELSON, SNUFFER, DAHLE & POULSEN
10885 South State Street
Sandy, Utah 84070
Telephone: (801) 576-1400
Attorneys for Glenda Johnson

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>DECLARATION OF GLENDA JOHNSON CERTIFYING COMPLIANCE WITH COURT ORDER ECF 893</p> <p>Civil No. 2:15-cv-00828-DN-EJF</p> <p>Judge David Nuffer</p>
---	--

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Glenda E. Johnson and I make this declaration under oath and based on my personal knowledge.
2. I hereby certify that I have complied to the best of my ability with the “Order Requiring Turnover to Receiver of all Vehicles Titled in the Name of Receivership Defendants or Glenda Johnson” [ECF Doc. 893], and further certify as follows:
 - a. On April 3, 2020, I filed a declaration with the court in compliance with paragraph 2 of the Court’s Order, which required, as to each vehicle listed in Exhibit 1 of the

Order, (A) the current location of the vehicle, (B) whether the vehicle is drivable or easily towable (such as trailers), and (C) as to any vehicle that is not drivable or easily towable, the reason it is not drivable or easily towable. See, ECF Doc. 903¹.

- b. On April 10, 2020, I caused to be delivered to the Receiver each of the drivable or easily towable vehicles to the location indicated by the Receiver. The only vehicle that was delivered to the Receiver was the 2017 Dodge Durango. None of the other vehicles were legally and/or operationally drivable and I did not have the means to tow any vehicles to the Receiver's location.²
- c. My April 3 declaration [Doc. 903] explained my knowledge regarding paragraph 5 of the Court's Order [Doc. 893] regarding photographs, mileage and specific location of the vehicles.
- d. My April 3 declaration explained my knowledge regarding paragraph 6 of the Court's Order regarding maintenance records of each vehicle.
- e. Pursuant to paragraph 8 of the Court's Order, I hereby certify that:
 - i. I have complied to the best of my ability with the requirements of Order Doc. 893;
 - ii. The only information I have about when a vehicle on Exhibit 1 was last operational is:

¹ On April 3, 2020, Neldon P. Johnson also filed a compliance declaration regarding the list of vehicles including a detailed summary of information regarding each vehicle, an affidavit transferring title to each vehicle without an original title, and photographs. I did not have additional information regarding the vehicles and rely on Mr. Johnson's declaration [ECF Doc. 902].

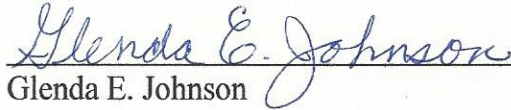
² I believe that Mr. Klein has picked up several other vehicles identified on Exhibit 1 since April 3, 2020, including the 2014 Chrysler Town & Country; 2009 Ford F250, 2003 GMC Sierra, 2010 Silverado and the two motorcycles. That is all that I am aware of that he has taken from Exhibit 1.

1. #4 (Ford F250), November 2019 when registration came due and we did not have funds to renew;
 2. #8 (Yamaha ATV), about a year or more ago, maintenance issue;
 3. #27 (Dodge Durango), April 9, 2020, when it was delivered to the Receiver;
 4. #28 (Chrysler Town & Country) about six months ago. Is no longer registered or insured;
 5. #29 (Chrysler 300), currently operational, Mr. Klein released his claim to the Chrysler 300 by email dated April 7, 2020.
- iii. I am not aware of any specific damage to the vehicles identified on Exhibit 1, other than:
1. #28 (Chrysler Town and Country) driver-side window no longer rolls up or down. This happened about 6 months ago and we did not have funds to repair it, so we parked it and have not used it since.
 2. #4 (2009 Ford F-250) significant damage from use on the property; was backed into once on the driver-side; the driver-side wheel well had damage when a tire blew out; the bed was damaged by a trailer tongue that unhooked and hit the bed;
 3. Other trucks taken by the Receiver are work trucks used on the property and have damage from day-to-day use by workers.
- f. On April 3, 2020, my counsel, Steven R. Paul, provided scanned images of the original titles I was able to locate relating to the vehicles in Exhibit 1 to the Receiver via email and informed the Receiver he could pick up the titles or have them mailed. By an email on April 3, 2020, the Receiver asked that Mr. Paul mail the titles, which he did. Mr. Paul also put post-it-notes on the titles to identify which vehicle corresponded with the numbers on Exhibit 1.³

³ In his email, the Receiver informed Mr. Paul that **“The list of vehicles #27-45 was compiled from information Ed Wall gave me, based on a visit by his investigator. Accordingly, Ed Wall’s investigator thinks there is a 2002 Chevy Tahoe at the Abraham property. That makes me think the 1997 title is not for #32.”** Exhibit 1 claims “Vehicles Titled in the Name of Glenda Johnson” which does not appear to be accurate. That may be one reason this process has been so difficult, because several of those vehicles I do not recognize and did not think they were titled in my name, nor could I locate any record or document of title that indicated I owned most of those vehicles.

I declare under the penalty of perjury, that the foregoing is true and correct.

DATED this 17th day of April, 2020.


Glenda E. Johnson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed using the court's CM/ECF filing system and that system sent notice of filing to all counsel and parties of record. In addition, the foregoing was mailed or emailed as indicated to the following who are not registered with CM/ECF.

/s/ Steven R. Paul
Steven R. Paul
Attorneys for Glenda Johnson