
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

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 INVALIDATING LIEN AND
DIRECTING THE RECEIVER TO
RECORD ORDER OF INVALIDITY
WITH MILLARD COUNTY
RECORDER**

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

District Judge David Nuffer
Magistrate Judge Daphne A. Oberg

Pursuant to the Court's *Memorandum Decision and Order Invalidating Liens*:¹

IT IS HEREBY ORDERED THAT the "Notice of Lien" recorded by Glenda Johnson on December 19, 2019 with the Millard County Recorder in favor of Anstram Energy, LLC, having recordation number 00208383, is invalid and of no effect in creating a lien against the properties in Millard County described below:

1. Millard County, Utah assessor's parcel number 4805 with the following legal description:

**THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 17
SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.**

2. Millard County, Utah assessor's parcel number 4806-A, with the following legal description:

**ALL OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 9 WEST, SALT
LAKE BASE AND MERIDIAN.**

¹ [Docket No. 984](#), filed August 6, 2020.

3. Millard County, Utah assessor's parcel number 4806-B, with the following legal description:

THE EAST ONE-HALF OF SECTION 29, TOWNSHIP 17 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

4. Millard County, Utah assessor's parcel number DO-3151, with the following legal description:

BEGINNING WEST 997.12 FEET FROM THE NORTHEAST CORNER OF LOT 1, SECTION 4, TOWNSHIP 16 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 332.38 FEET, MORE OR LESS TO THE WEST BOUNDARY OF SALD LOT 1; THENCE SOUTH 1315.8 FEET; THENCE EAST 332.38 FEET; THENCE NORTH 1315.8 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM (THE SOUTH 2.4 FEET) ALL RIGHTS OF WAY, STOCK TRAILS, DITCHES AND CANALS, GRAVEL PITS AND GRAVEL BEDS.

5. Millard County, Utah assessor's parcel number DO-3276-1-1, commonly known as 4350 West 5000 North, Delta, UT 84624, with the following legal description:

BEGINNING 960 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 16 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN, THENCE WEST 146 FEET; THENCE NORTH 911 FEET; THENCE EAST 368.991 FEET; THENS SOUTH 11 FEET; THENCE SOUTH 16°46' WEST 773 FEET; THENCE SOUTH 159.862 FEET MORE OR LESS TO THE POINT OF BEGINNING.

6. Millard County, Utah assessor's parcel number DO-4568-1, commonly known as 2730 West 4000 South, Oasis, UT 84624, with the following legal description:

COMMENCING AT A POINT LOCATED NORTH 89°33'23.5" EAST 1080.19 FEET ALONG THE QUARTER SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°41'09.5: EAST 77.73 FEET; THENCE NORTH 36°08'16" EAST 161.44 FEET; THENCE NORTH 69°36'58" EAST 49.80 FEET;

THENCE NORTH 34°49'13.5" EAST 67.18 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 65°24'28" EAST 195.30 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH 67°05'16" EAST 90.54 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 30°31'07" EAST 1000.20 FEET; THENCE SOUTH 25°26'12" WEST 234.94 FEET TO THE NORTH SHOULDER OF AN EXISTING COUNTY ROAD; THENCE NORTH 77°51'02" WEST 12.17 FEET ALONG SAID NORTH SHOULDER OF THE EXISTING COUNTY ROAD; THENCE ALONG A CURVE TO THE LEFT 22.87 FEET WITH A RADIUS OF 43.026 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 86°55'28.5" WEST 22.60 FEET ALONG SAID NORTH SHOULDER OF THE EXISTING COUNTY ROAD; THENCE SOUTH 71°41'59" WEST 41.15 FEET ALONG SAID NORTH SHOULDER OF THE EXISTING COUNTY ROAD TO THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 25°26'12" WEST 94.045 FEET ALONG SAID UNION PACIFIC RIGHT-OF-WAY TO QUARTER SECTION LINE; THENCE SOUTH 25°26'12" WEST 362.64 FEET ALONG SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE ALONG A CURVE TO THE LEFT 351.22 FEET WITH A RADIUS OF 706.78 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 20°37'37" WEST 347.618 FEET TO THE QUARTER SECTION LINE AND THE POINT OF BEGINNING.

EXCEPTING: ANY PORTION WITHIN THE BOUNDARY OF THE COUNTY ROAD RIGHT-OF-WAY AND THE UNION PACIFIC RIGHT-OF-WAY.

*** * * * RESERVING UNTO THE GRANTOR ANY AND ALL WATER RIGHTS * * * ***

7. Millard County, Utah assessor's parcel number DO-SS-136&137, commonly known as 490 S. West Sherwood Drive, Delta, UT 84624, with the following legal description:

LOTS 136, 137 AND 138 SHERWOOD SHORES, A SUBDIVISION, ACCORDING TO THE OFFICAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

8. Millard County, Utah assessors' parcel number HD-3511, with the following legal description:

SECTION 16, TOWNSHIP 16 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN.

LESS: BEGINNING AT THE SOUTHWEST CORDER OF SECTION 16, THENCE NORTH 1320 FEET; THENCE EAST 1320 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 1320 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 30 FOOT EASEMENT AROUND THE PERIMETER OF SAID PROPERTY. (HD-3511)

9. Millard County, Utah assessor's parcel number HD-3511-1, with the following legal description:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 16 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 1320 FEET; THENCE EAST 1320 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 1320 FEET TO THE POINT OF BEGINNING. (HD-3511-1)

10. Millard County, Utah assessor's parcel number HD-4497-1, with the following legal description:

BEGINNING 18 RODS SOUTH AND 3 RODS EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 145 FEET; THENCE EAST 15 RODS, THENCE NORTH 145 FEET; THENCE WEST 15 RODS TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF THE STATE ROAD RIGHT OF WAY.

11. Millard County, Utah assessor's parcel number HD-4606-2, with the following legal description:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN. LESS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 89°51'00" WEST 544.50 FEET ALONG THE SOUTH BOUNDARY OF SECTION 2, THENCE NORTH 600 FEET PARALLELING THE EAST BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 2; THENCE NORTH 89°51'00"

EAST 544.50 FEET PARALELLING THE SOUTH BOUNDARY TO THE EAST BOUNDARY OF SECTION 2; THENCE SOUTH 600 FEET, ALONG THE EAST BOUNDARY OF SECTION 2, TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ALL RIGHTS OF WAY, STOCK TRAILS, DITCHES AND CANALS, GRAVEL PITS AND GRAVEL BEDS. TOGETHER WITH WATER RIGHT NO. 68-2388, APP. CLAIM NO. A57256. SUBJECT TO A RIGHT OF WAY FOR A COUNTY ROAD, AND INCIDENTAL PURPOSES AS NOW EXISTS.

12. Millard County, Utah assessor's parcel number HD-46-6-2-1, with the following legal description:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, THENCE WEST 466.7 FEET ALONG THE NORTH BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, THENCE SOUTH 466.7 FEET; THENCE EAST 466.7 FEET TO THE EAST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH 466.7 FEET ALONG THE EAST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ALL RIGHTS OF WAY, STOCK TRAILS, DITCHES AND CANALS, GRAVEL PITS AND GRAVEL BEDS.

13. Millard County, Utah assessor's parcel number HD-4648, with the following legal description:

THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 17 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN. (HD-4648)

14. Millard County, Utah assessor's parcel number HD-4658, with the following legal description:

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. (HD-4658)

15. Millard County, Utah assessor's parcel number MA-2662-B, with the following legal description:

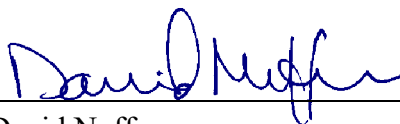
THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 15 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN. (MA-2662-B)

EXCEPTING THEREFROM: THAT PORTION WITHIN THE BOUNDARY OF THE MILLARD COUNTY ROAD RIGHT-OF-WAY.

Wayne Klein, the Receiver for RaPower-3, LLC, is ordered to record a copy of this order with the Millard Utah County Recorder relating to this property.

Signed August 10, 2020.

BY THE COURT:



David Nuffer

United States District Judge