

John F. Kurtz, Jr., ISB No. 2396
Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: 208.344.6000
Facsimile: 208.954.5232
Email: jkurtz@hawleytroxell.com

Attorneys for Receiver, R. Wayne Klein

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

SECURITIES AND EXCHANGE)	Case No.: 4:09-CV-075-E-EJL
COMMISSION,)	
)	
Plaintiff,)	
)	
and)	Case No.: 4:09-CV-076-E-EJL
)	
COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	The Honorable Edward J. Lodge
)	
vs.)	
)	
DAREN L. PALMER and TRIGON GROUP,)	NOTICE OF PROPERTY SALE
INC., a Nevada Corporation,)	
)	
Defendants.)	
)	

R. Wayne Klein, the duly appointed Receiver (“Receiver”) for Trigon Group, Inc. (“Trigon”) and the assets of Daren L. Palmer (“Palmer”), hereby provides notice of his intent to finalize the sale of real estate pursuant to the terms described below.

PROPERTY SALE

The Receiver has accepted the high bid at auction for the commercial building lot at 2670 South Eagle Road, Meridian, ID 83642. The sales price is \$60,750.00. As described in more detail below, the Receiver intends to close the sale to the high bidder after the notice period provided herein has expired.

The Receiver acquired title to the property in April 2011, in a settlement of the Receiver's litigation against Kenneth and Julie Smith. The Receiver listed the property for sale on April 13, 2012 at \$124,900.00. The listing price has been reduced several times since the initial listing. The most recent listing price was \$86,249.00. During the entire time the lot has been listed, it has been marketed aggressively and shown to potential buyers on numerous occasions. Notwithstanding these marketing efforts, no serious offers were ever received for the lot.

On February 5, 2015, the Receiver filed a motion seeking authorization to sell the lot at auction. [Doc. No. 180]. On February 11, 2015, the Court granted the motion. [Doc. No. 181]. The Receiver engaged Corbett Bottles Real Estate Marketing, LLC, to market the lot and conduct an auction along with the original listing broker, Commerce Real Estate Solutions. As part of their marketing efforts, Corbett Bottles and Commerce Real Estate made telephone calls and sent blast emails to real estate brokers in the area surrounding Boise and Meridian, Idaho regarding the property and the auction.

The auction was conducted on March 3, 2015. The auction began with five bidders and continued until only one bidder remained. The Receiver believes that the participation of five bidders in the auction indicates that the resulting auction price fairly represents the market value

of this property. Commerce Real Estate informed the Receiver that the sale price for this lot was higher than the recent listing price of a similar property in the same area.

From the high bid of \$60,750.00, a combined 5% commission will be paid to the listing broker and the auctioneer, as well as customary closing costs. The buyer will pay a 5% buyer's premium to the auctioneer. This is in addition to the bid price for the lot.

This sale will bring in additional cash to the Receivership Estate and will reduce the taxes and other expenses of maintaining this property. In addition, the sale of the last real property in the Receivership Estate will facilitate the winding down of the Receivership Estate and payment of a final distribution. As such, the Receiver believes this sale is beneficial to the Receivership Estate. The SEC and CFTC have both been informed of the planned sale. The SEC has already responded that it has no objections to the sale.

PROCEDURE FOR ADDRESSING ANY OBJECTIONS TO THE PROPERTY SALE

Objections, if any, to the property sale must be in writing and filed with this Court within ten (10) days of the date of the filing of this Notice of Property Sale. If no objection has been filed within ten (10) days, unless the Court orders otherwise, the Receiver will deem the sale approved and move forward to complete the sale. In the event that an objection is filed, the Receiver will have the right to: (1) notify in writing the objecting person, the buyer, and the Court that the Receiver believes that the objection lacks merit and seek the approval of the Court notwithstanding such objection, or (2) notify in writing the objecting person, the buyer, and the Court that the Receiver believes that the objection is valid, whereupon the sale of this property to this buyer will be rejected.

CONCLUSION

The Receiver believes this property sale will provide benefits to the Receivership by bringing cash into the Receivership Estate, avoiding any further costs relating to this property, and facilitating the winding down of the Receivership Estate.

DATED this 6th day of March, 2015.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By



John F. Kurtz, Jr., Attorneys for the
Receiver, R. Wayne Klein

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2015, I electronically filed the foregoing NOTICE OF PROPERTY SALE with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Karen L. Martinez
Thomas M. Melton
Tanya Beard
Securities and Exchange Commission
15 West South Temple, Suite 1800
Salt Lake City, UT 84101
martinezk@sec.gov
himesm@sec.gov

Alison B. Wilson
John W. Dunfee
Division of Enforcement
Commodity Futures Trading Commission
1155 21st Street, N.W.
Washington, D.C. 20581
jdunfee@cftc.gov
awilson@cftc.gov

*Counsel for Plaintiff Securities and Exchange
Commission*

*Counsel for Plaintiff Commodity Futures
Trading Commission*

AND, I HEREBY CERTIFY that I have served the foregoing document to the following non-CM/ECF Registered Participants (list names and addresses):

Daren L. Palmer #13952-023
Taft Correctional Institution
PO Box 7001
Taft, CA 93268
Defendant

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail
 Telecopy

Alan Conilogue
Deputy Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0031

Local Counsel for Plaintiffs



John F. Kurtz, Jr.