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Attorneys for Receiver, R. Wayne Klein

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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

R. Wayne Klein, on behalf of and as the duly appointed Receiver ("Receiver") for Trigon Group, Inc. ("Trigon") and the assets of Daren L. Palmer ("Palmer") hereby provides notice of

NOTICE OF SETTLEMENTS; NOTICE OF REAL **ESTATE TRANSACTIONS - 1**

his intent to finalize settlement agreements and releases of claims, and to sell and abandon property, pursuant to the terms described below.

SETTLEMENTS

Right Price Auto Sales, LLC: In November 2008, Daren Palmer sold a number of automobiles and recreational vehicles to Right Price Auto. The Receiver conducted an investigation to determine whether the vehicles were sold for less than their fair value. Right Price Auto cooperated with the Receiver's investigation and also provided significant additional information that enabled the Receiver to identify other property that could be recovered by the Receiver. The Receiver has entered into a settlement agreement with Right Price Auto, pursuant to which Right Price Auto has paid \$20,000 to the Receiver. In turn, the Receiver will release all claims against Right Price Auto.

Kevin Taggart: The Receiver filed a lawsuit against Kevin Taggart in January 2010, asserting that Taggart was paid significant amounts from Trigon in excess of his investment. In settlement discussions with the Receiver, Taggart has provided financial information demonstrating that the monies he received from Trigon were used to purchase real estate and for work on a real estate development owned by Taggart. Those properties have suffered significant declines in value during the recent recession, rendering Taggart unable to repay the amounts owed. The Receiver has entered into a settlement agreement with Taggart pursuant to which Taggart will transfer to the Receiver title to a piece of undeveloped real estate and a real estate development. These properties are believed to have significant equity that can be realized by the Receiver. Both properties, however, are subject to existing mortgages that will have to be assumed by the Receiver. The Receiver believes he will be able to negotiate reductions in the

amounts of these mortgages. Taggart has demonstrated to the Receiver that he has no other

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assets of significant value. As part of the settlement, the Receiver will dismiss the lawsuit against Taggart.

R. Jay Taylor: The Receiver filed a lawsuit against Taylor on February 18, 2010, alleging that Taylor received \$28,191.00 in excess of the amount he had invested. In settlement discussions with the Receiver, Taylor has provided financial information demonstrating financial difficulties that make him unable to repay the amount being sought by the Receiver. Taylor and the Receiver have agreed on a settlement in which Taylor will pay to the Receiver \$10,000 in cash. In addition, Hal Wright, one of the claimants in the claims process, will waive \$85,000 of his claim to provide additional value to the Receivership. When Taylor submits his payments,

NOTICE OF REAL ESTATE TRANSACTIONS

Palmer's Hawaii Timeshare Interest: In his March 11, 2010 Notice of Settlements and Property Sale, the Receiver gave notice that he had reached agreement to sell a timeshare interest in Hawaii that was owned by Daren and Michelle Palmer. The escrow company was unable to complete the closing by the deadline due to the complexities associated with the Receivership and the buyers withdrew their offer. The Receiver will continue his efforts to sell this property.

Yost Hawaii Timeshare (Waiohai Resort): Duane Yost has previously agreed to deliver to the Receiver all of his assets, including interest in two timeshares in Hawaii. Yost notified the Receiver that an offer was made on the Waiohai resort interest. The sale is expected to net approximately \$17,000, after paying closing costs and unpaid maintenance dues. All net proceeds will be paid to the Receiver.

Yost Hawaii Timeshare (Pono Kai Resort): Yost also owns a second timeshare in Hawaii, at the Pono Kai resort. This interest was originally purchased for \$5,000, but the current

the Receiver will dismiss the lawsuit against him.

market value is likely \$2,000 or less. In addition, back maintenance fees are owed. The cost of these unpaid maintenance fees and closing costs are expected to exceed the fair market value of this timeshare. The Receiver intends to abandon any claim to this timeshare.

REVIEW BY SEC AND CFTC

The Receiver has given notice to the Securities and Exchange Commission and the Commodity Futures Trading Commission of these planned settlements and property transfers and requested their comments. With one exception noted below, the SEC and CFTC have both informed the Receiver that they have no objections to the settlements. The CFTC has notified the Receiver that it believes the settlement with Taggart is inadequate and should be subject to additional conditions. The Receiver believes the CFTC wants its position known; the Receiver does not believe the CFTC intends to file an objection with the Court.

PROCEDURE FOR ADDRESSING ANY OBJECTIONS TO THE SETTLEMENTS OR THE PROPERTY TRANSACTIONS

Objections, if any, to the settlements or property transactions must be in writing and filed

with this Court within ten (10) days of the date of the filing of this Notice of Settlement. If no objection has been filed within ten (10) days, unless the Court orders otherwise, the Receiver will deem the settlements and property transactions approved and move forward to implement their terms. In the event that an objection is filed, the Receiver will have the right to: (1) notify in writing the objecting person, the settling party, and the Court that the Receiver believes the objection lacks merit and with seek the approval of the Court notwithstanding such objection, or (2) notify in writing the objecting person, the settling parties, and the Court that the Receiver believes the objection is valid, whereupon the affected settlement agreement(s) will be deemed to

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be terminated.

CONCLUSION

The Receiver believes the settlements and property transactions will provide substantial benefits to the Receivership by bringing additional funds into the Receivership Estate and avoiding the costs of further litigation.

DATED THIS <u>15</u> day of June, 2010.

HAWLEY TROXELL ENNIS & HAWLEY LLP

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this / day of June, 2010, I electronically filed the foregoing NOTICE OF SETTLEMENTS; NOTICE OF REAL ESTATE TRANSACTIONS 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
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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):

Alan Conilogue
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Boise, ID 83720-0031

U.S. Mail, Postage Prepaid Hand Delivered

Overnight Mail
E-mail

____ Telecopy

Local Counsel for Plaintiffs

ohn F. Kurtz, Jr.

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