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U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: \_\_\_\_\_  
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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

NATIONAL NOTE OF UTAH, LC, a Utah  
limited liability company and WAYNE  
LaMAR PALMER, an individual,

Defendants.

**ORDER GRANTING MOTION TO  
INTERVENE**

Civil No. 2:12-CV-591 BSJ

Judge Bruce S. Jenkins

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This matter came before the Court for a hearing on American Pension Services, Inc.'s Motion for Intervention on Tuesday, March 19, 2013. The Receiver, Wayne Klein ("Klein"), was represented by Chris J. Martinez with Dorsey & Whitney LLP. American Pension Services, Inc. ("APS"), was represented by Cameron M. Hancock of Kirton McConkie. The Court heard the arguments of counsel, reviewed the memoranda, and having considered the issues, being


fully advised in the premises and for good cause appearing, hereby ORDERS, ADJUDGES, and DECREES as follows:

1. APS's Motion to Intervene is GRANTED in part; and
2. APS is granted the right to intervene in this case to assert its claims against Klein for the actions APS claims constitute a breach of his duties as the Receiver in this case pursuant to Sections 49 and 50 of this Court's June 25, 2012 Order Appointing Receiver and Staying Litigation Docket No. 9.
3. APS shall file its Complaint in intervention within ten (10) days after

March 19, 2013.

DATED this 27<sup>th</sup> day of March, 2013.

**BY THE COURT:**

  
Honorable Bruce S. Jenkins  
United States District Court Judge

Approved as to form and content:

**DORSEY & WHITNEY**

/s/ Chris J. Martinez (signed with permission)

Peggy Hunt

Chris J. Martinez

*Attorneys for Receiver*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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and I mailed a copy of the foregoing via U.S. mail, postage prepaid, to the following:

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/s/ Cameron M. Hancock