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FILED
U.S. DISTRICT COURT
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DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

Attorneys for Court-Appointed Receiver R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NATIONAL NOTE OF UTAH, LC, a Utah Limited Liability Company and WAYNE LaMAR PALMER, and individual,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">ORDER GRANTING RECEIVER'S AMENDED <i>EX PARTE</i> MOTION FOR LEAVE TO COMMENCE LEGAL PROCEEDINGS</p> <p style="text-align: center;">2:12-cv-00591 BSJ</p> <p style="text-align: center;">The Honorable Bruce S. Jenkins</p>
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The matter before the Court is the Receiver's *Amended Ex Parte Motion for Leave to Commence Legal Proceedings* (the "Motion"). The Court has considered the Motion, the *Order Appointing Receiver and Staying Litigation*, and applicable law. Based thereon, and for good cause appearing,

IT IS HEREBY ORDERED THAT:

(1) The Motion is **GRANTED**.

(2) The Receiver is granted leave to commence any and all claims and causes of action (the "Claims") that are property of the Receivership Estate, including without limitation any and all claims and causes of action of National Note of Utah, LC, and any and all subsidiaries and affiliated entities, including but not limited to Land Utah, LC; Passport Properties, L.C.; The Property Company, LLC; The Corner Corporation; Territory Land Company, Incorporated; Koala T Investments LLC; Prime Wave I, LLC; Note Systems, Inc.; DPLM LLC; Ovation 106, LLC; Top Flight, LLC; Freedom Minerals I, LLC; Homeland Funding Corp.; Homeland Mortgage, L.C.; Centennial Aviation, LLC; Homeland Minerals, LLC; Riverbend Estates LC; Homeland Holding Corp.; Spanish Fork Development, L.L.C.; Indian Canyon, LLC; Freedom Minerals II LLC; Homeland Mortgage, Inc.; Real Estate Finance Institute, Inc.; Vision Land, LLC; Old Glory Mining Company, LLC; Presidential Utah Properties LC; Traditions in Timber; HSB Technologies, LLC; Bonneville Minerals, LLC; Twin Pines Property, LC; NPL America LLC; Network Leisure Shoppes, Inc.; Elkhorn Ridge, LLC; and Expressway Business Park Owners Organization, LLC.


(3) The Claims include, but shall not be limited to, the following:

- Claims requiring a determination as to the extent and validity of certain interests in property of the Receivership Estate;
- Claims against overpaid investors for the imposition of constructive trusts, disgorgement of profits, and avoidance and recovery of fraudulent transfers (including without limitation transfers of false profits);
- Claims against insiders for the imposition of constructive trusts, disgorgement of profits, and avoidance and recovery of fraudulent transfers (including without limitation all monies transferred, including false profits and commissions);

- Claims against third-parties for the imposition of constructive trusts, disgorgement of profits, and avoidance and recovery of fraudulent transfers related to commissions paid for soliciting investors;
- Claims against third-parties who were paid by NNU or the National Note Entities for the benefit of employees or managers of NNU and/or the National Note Entities;
- Claims against credit card companies related to fraudulent transfers made to them with funds of NNU or a National Note Entity;
- Claims against certain charitable/religious organizations to which Palmer, NNU or the National Note Entities transferred funds;
- Claims against third-parties who borrowed money from NNU or the National Note Entities and who have not repaid the amount owed;
- Claims against certain professionals who represented Palmer, NNU or the National Note Entities and who were employed prior to the date of the Receiver's appointment;
- Claims against business partners of Palmer, NNU and/or the National Note Entities to avoid and recover funds transferred to them; and
- All other claims against insiders and third-parties who are wrongfully in possession of, or wrongfully claim the right to possess, property of the Receivership Estate.

DATED this th 20 day of May, 2013.

BY THE COURT:


Honorable Bruce S. Jenkins
U.S. District Court Judge