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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p>Plaintiff,</p> <p>vs.</p> <p>NATIONAL NOTE OF UTAH, LC, a Utah Limited Liability Company and WAYNE LaMAR PALMER, an individual,</p> <p>Defendants.</p> <p>And</p> <p>THE TRUE & MARJORIE KIRK FAMILY TRUST,</p> <p>Intervenor.</p>	<p>ORDER GRANTING RECEIVER'S MOTION TO APPROVE SETTLEMENT AGREEMENT WITH THE TRUE & MARJORIE KIRK FAMILY TRUST</p> <p>2:12-cv-00591 BSJ</p> <p>The Honorable Bruce S. Jenkins</p>
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The matter before the Court is the *Receiver's Motion to Approve Settlement Agreement With the True & Marjorie Kirk Family Trust* (the "Motion") filed by R. Wayne Klein, the Receiver appointed in the above-captioned case (the "Receiver"), seeking approval of a "Settlement Agreement" with The True & Marjorie Kirk Family Trust (the "Kirk Trust"), a copy of which is attached as Exhibit B to the Motion.

The Court has reviewed the Motion, the Receiver's Memorandum in Support of the Motion and the Exhibits attached thereto, the Declaration of R. Wayne Klein, Receiver, together with the Exhibits attached thereto, the Joinder in the Motion filed by the Kirk Trust, the applicable law, and the record in this case. Based thereon, and for good cause appearing,

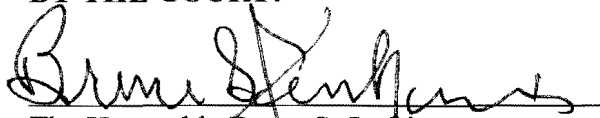
IT IS HEREBY ORDERED that:

- (1) The Motion is **GRANTED**;
- (2) The Settlement Agreement is **APPROVED**;
- (3) The Receiver is **AUTHORIZED** to transfer the real property located at 580 North Main, Brigham City, Box Elder County, Utah (the "Property") "as is" "where is" to the Kirk Trust as set forth in the Settlement Agreement;
- (4) The Receiver is **AUTHORIZED** to pay taxes and utilities related to the Property as set forth in the Settlement Agreement;
- (5) The Kirk Trust's Complaint in Intervention is **DISMISSED** with prejudice; and
- (6) The Receiver's Counterclaim against the Kirk Trust is **DISMISSED** with

prejudice.

DATED this ¹⁰19 day of August, 2014.

BY THE COURT:



The Honorable Bruce S. Jenkins
United States District Court Judge