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*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><b>RECEIVER'S <i>EX PARTE</i> MOTION SEEKING APPOINTMENT OF APPRAISERS FOR ALMOND HEIGHTS LOTS AND MEMORANDUM IN SUPPORT</b></p> <p>2:12-cv-00591 BSJ</p> <p>The Honorable Bruce S. Jenkins</p>
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R. Wayne Klein, the Court-Appointed Receiver (the "Receiver") of National Note of Utah, LC, its subsidiaries and affiliates, and the assets of Wayne LaMar Palmer, by and through his counsel, and pursuant to 28 U.S.C. § 2001(b) hereby files this *Motion For Court to Appoint Appraisers for Almond Heights Lots* (the "Motion"). By this Motion, the Receiver asks that the Court appoint Craig Morley ("Morley"), Steven R. Williams ("Williams"), and Kelly J. Blake ("Blake") and together with Morley and Williams, the "Appraisers") to appraise 21 lots in

Almond Heights Park located at approximately 819 South Peachtree Drive, Toquerville, Utah, 84774 (the “Almond Heights Lots”), which are owned by National Note of Utah, LC. The purpose of this Motion is to allow the Receiver to comply with his duties associated with private sales of property pursuant to 28 U.S.C. § 2001(b). It is respectfully submitted that this Motion should be granted because the Appraisers are certified appraisers in the State of Utah and are disinterested in the sale of the Almond Heights Lots.

A proposed Order is attached hereto as Exhibit A.

### **MEMORANDUM IN SUPPORT**

#### **I.**

#### **STATEMENT OF FACTS**

1. The Receiver retained Morley, a Certified General Appraiser in the State of Utah, to provide information necessary to market the Almond Heights Lots for sale, and Morley provided his appraisal at Morley’s normal and customary rate. Attached hereto as Exhibit B is a true and correct copy of the Utah Appraiser license of Morley.

2. At the time the Receiver engaged Morley, the Receiver intended to sell the Almond Heights Lots through a public sale and sought the appraisal to establish a benchmark by which to set a selling price and to measure any offers that were received.

3. On June 23, 2014, Morley appraised the Almond Heights Lots at a bulk-sale value of \$632,000.00 and an aggregate retail lot value of \$842,000.00.

4. Recently, the Receiver entered into an agreement to sell certain of the Almond Heights Lots to third parties. The Receiver is requesting approval to sell the properties through a private sale.

5. To be confirmed, the private sale will require three appraisals by Court-approved appraisers.<sup>1</sup>

6. Accordingly, the Receiver has requested the appraisal services of two additional appraisers, Williams and Blake, who have indicated that they are each able and willing to provide appraisals for the Almond Heights Lots (individually and as a bulk sale) for \$2,500.00 each.

7. Williams is a Certified General Appraiser in the State of Utah. Attached hereto as **Exhibit C** is a true and correct copy of the Utah Appraiser license of Williams.

8. Blake is a Certified General Appraiser in the State of Utah. Attached hereto as **Exhibit D** is a true and correct copy of the Utah Appraiser license of Blake.

9. Upon information and belief, the Appraisers are independent, reputable professionals and, to the best of the Receiver's knowledge and belief, have no present or prospective interest in the Almond Heights Lots. This Court previously appointed Williams to provide an appraisal in this case for property located in Kanab, Utah.<sup>2</sup>

10. As part of their appraisals, the Appraisers will sign Appraiser Certifications affirming that they are not biased and are not basing their appraisals on a predetermined value. Moreover, the Appraisers will represent that they have no present or prospective interest in the Almond Heights Lots. Further, if this Motion is granted, the Receiver will notify the Appraisers of their appointment by the Court.

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<sup>1</sup> 28 U.S.C. § 2001(b).

<sup>2</sup> Docket No. 725.



**CERTIFICATE OF SERVICE**

I hereby certify that the above **RECEIVER'S EX PARTE MOTION SEEKING APPOINTMENT OF APPRAISERS FOR ALMOND HEIGHTS LOTS AND MEMORANDUM IN SUPPORT** was filed with the Court on this 1st day of October, 2014, and served via ECF on all parties who have requested notice in this case and served via U.S. mail on the following:

Wayne L. Palmer  
8816 South 2240 West  
West Jordan, UT 84088

/s/ Sarah Goldberg