

FILED
U.S. DISTRICT COURT

2015 SEP -1 A 10:44

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Order Prepared and Submitted By:

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Attorneys for Court-Appointed Receiver R. Wayne Klein

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

NATIONAL NOTE OF UTAH, LC, a Utah
Limited Liability Company and WAYNE
LaMAR PALMER, an individual,

Defendants.

**ORDER GRANTING RECEIVER'S
AMENDED MOTION SEEKING
APPROVAL OF PROPOSED CLAIM
PROCEDURES AND
ACCOMPANYING FORMS AND
SETTING BAR DATE**

Case No: 2:12-CV-591 BSJ

The Honorable Bruce S. Jenkins

The matter before the Court is the *Receiver's Amended Motion Seeking Approval of Proposed Claim Procedures and Accompanying Forms and Memorandum in Support* [Docket No. 957] (the "Motion"). A hearing on the Motion was held on August 28, 2015. Peggy Hunt, Dorsey & Whitney LLP, appeared on behalf of R. Wayne Klein, the

Receiver appointed in the above-captioned case. Mr. Klein was also present. Amy J. Oliver appeared on behalf of the Securities and Exchange Commission.

The Court has reviewed the Motion, the attached Memorandum of Law in support of the Motion, the Exhibits attached to the Motion, and the representations of counsel and the Receiver at the hearing. Based thereon, the applicable law, the record in this case and for good cause shown,

IT IS HEREBY ORDERED that:

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

(2) The Bar Date Notice, a copy of which is attached hereto as Exhibit 1, is

APPROVED;

(3) The Proof of Claim Form and Instructions, a copy of which is attached hereto as Exhibit 2, is **APPROVED**;

(4) The Publication Notice, as amended, a copy of which is attached hereto as Exhibit 3, is **APPROVED**;

(5) The method of service of the Bar Date Notice and Proof of Claim Form and Instructions as set forth in the Motion and as represented at the hearing is

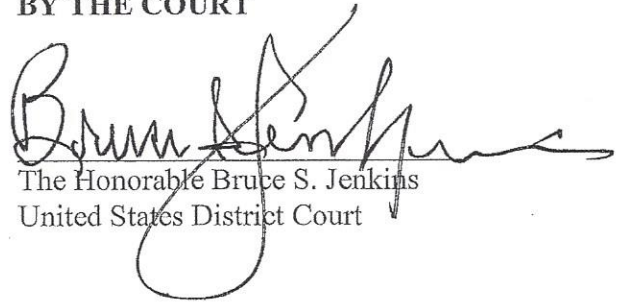
APPROVED;

(6) The method of publication notice as described in the Motion is **APPROVED**; and

(7) The Bar Date for parties to file Proofs of Claim in this case is November 3, 2015.

DATED this ²⁷31 day of August, 2015.

BY THE COURT



The Honorable Bruce S. Jenkins
United States District Court

EXHIBIT 1

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

NATIONAL NOTE OF UTAH, LC, a Utah
Limited Liability Company and WAYNE
LaMAR PALMER, an individual,

Defendants.

NOTICE OF DEADLINE TO SUBMIT
PROOF OF CLAIM AGAINST
RECEIVERSHIP ESTATE –

TIMELY ACTION REQUIRED

Case No: 2:12-CV-591 BSJ

The Honorable Bruce S. Jenkins

PLEASE TAKE NOTICE you have been identified as a person who may be able to assert a claim in the case noted above based on transactions with the entities listed in the “Proof of Claim Form” attached to this Notice.

FOR YOUR CLAIM TO BE CONSIDERED YOU MUST SUBMIT A COMPLETED AND SIGNED PROOF OF CLAIM TO THE RECEIVER SO THAT IT IS RECEIVED BY THE RECEIVER BY NO LATER THAN NOVEMBER 3, 2015 (THE “BAR DATE”). DO NOT FILE THE FORM WITH THE COURT.

PLEASE TAKE FURTHER NOTICE that submission of a Proof of Claim is the only means for obtaining a distribution from the Receivership Estate. Unless the Court orders otherwise, *your failure to submit a Proof of Claim to the Receiver prior to the expiration of the Bar Date will result in your claim being deemed disallowed and you will be forever barred from asserting your claim against the Receivership Estate or any property of the Receivership Estate.*

PLEASE TAKE FURTHER NOTICE that the completed and signed Proof of Claim Form may be (a) mailed to the Receiver at National Note Claim Form, 10 E. Exchange Place, Suite 502, Salt Lake City, Utah 84111, or (b) emailed to: Claims@Kleinutah.com.

Upon submission, the Receiver will contact you to confirm receipt of your Form and provide you with a claim number.

EXHIBIT 2

UNITED STATES DISTRICT COURT, DISTRICT OF UTAH Securities and Exchange Commission v. National Note of Utah, LC and Wayne LaMar Palmer <i>And</i> Bonneville Minerals, LLC; Centennial Aviation, LLC; The Corner Corporation; DPLM, LLC; Elkhorn Ridge, LLC; Expressway Business Park, LLC; Farrell Business Park, LLC; Freedom Minerals I, LLC; Freedom Minerals II, LLC; Homeland Development I, LLC; Homeland Development II, LLC; Homeland Funding Corp.; Homeland Holding Corp.; Homeland Minerals, LLC; Homeland Mortgage, Inc.; Homeland Mortgage L.C.; Indian Canyon, LLC; Koala T. Investments LLC; Land Utah, LC; Made Art Licensing, LLC; Montana One, LLC; ND I, LLC; NPL America, LLC; Network Leisure Shoppes, Inc.; Note Systems, Inc.; Old Glory Minting Company, LLC; Ovation 106, LLC; Passport Properties, L.C.; Pedigree Properties; Presidential Utah Properties, LC; Prime Wave I, LLC; The Property Company, LLC; Real Estate Finance Institute, Inc.; Riverbend Estates LC; Spanish Fork Development, LLC; Territory Land Company, Inc.; Top Flight, LLC; Traditions in Timber; Twin Pines Property, LC; and Vision Land, LLC.		PROOF OF CLAIM	
RECEIVER USE ONLY: Date Form received: _____ Claim Number: _____ <input type="checkbox"/> Backup documents needed <input type="checkbox"/> Documents received			
CLAIMANT (The person or entity owed money by an entity listed above):			
Names(s): Street: City, State, Zip: Telephone Number: Email:	<input type="checkbox"/> Check box if this claim is related to other claims		List related claims
TOTAL AMOUNT CLAIMED: \$			
BASIS FOR CLAIM (Check the boxes below for each category of claim you are making)			
<input type="checkbox"/> PROMISSORY NOTE. Check this box if you loaned money to or invested money with any of the companies listed above. Please provide the following information, if known: Account number(s): _____ Total amount paid to companies: \$ _____ Total amount received back: \$ _____ <div style="text-align: right;">Total Claimed: \$ _____</div>			
<input type="checkbox"/> PRECIOUS METALS PURCHASE. Check this box if you purchased precious metals from Old Glory Mint and did not receive any or all the metals ordered. <i>Attach supporting documents.</i> Total Claimed: \$ _____			
<input type="checkbox"/> OTHER BASIS. Check this box if you are owed money by any of the companies listed above for any reason other than on account of a promissory note or precious metal purchase. Describe reason for claim: _____ <i>Attach supporting documents.</i> Total Claimed: \$ _____			

DISTRIBUTIONS Distributions, if any, will be made to the Claimant identified above at the address listed. Please fill in this section only if you would like all or a part of any distribution made to a retirement custodian or another entity. If this portion is completed, all distributions will be made as directed unless instructed otherwise in writing.

Payee/Acct. No. (if applicable)	Address	% of Distribution

ADDITIONAL INFORMATION: If there is additional information the Receiver needs to know, please provide an explanation here.

SIGNATURE & VERIFICATION:

This Form must be signed by each person making the claim to be valid, or by an authorized agent of the claimant(s). *I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information and reasonable belief.*

Print Name: _____

Signature: _____

Title: _____

_____ Date

Print Name: _____

Signature: _____

Title: _____

_____ Date

SUBMITTING YOUR COMPLETED FORM TO THE RECEIVER DO NOT FILE YOUR FORM WITH THE COURT

This Form may be completed and submitted via U.S. Mail, overnight mail, or hand delivery addressed to the following: Claims c/o Klein & Associates, 10 E. Exchange Place, Suite 502, Salt Lake City, Utah 84111; or submitted by email at: Claims@kleinutah.com

**COMPLETED FORM MUST BE RECEIVED BY THE RECEIVER ON OR BEFORE
NOVEMBER 3, 2015.**

[Questions? See Attached Instructions]

INSTRUCTIONS FOR PROOF OF CLAIM FORM

YOU MUST COMPLETE AND SIGN THE ACCOMPANYING PROOF OF CLAIM FORM ("**FORM**") AND SUBMIT IT TO THE RECEIVER SO THAT IT IS RECEIVED NO LATER **THAN NOVEMBER 3, 2015 (THE "BAR DATE")**.

FAILURE TO SUBMIT A PROOF OF CLAIM PRIOR TO THE BAR DATE MAY RESULT IN YOUR CLAIM BEING DEEMED DISALLOWED AND YOU MAY BE FOREVER BARRED FROM ASSERTING A CLAIM.

NOTE THAT INVESTOR QUESTIONNAIRES YOU MAY HAVE PREVIOUSLY SUBMITTED ARE NOT PROOFS OF CLAIM. PLEASE FILL OUT THIS FORM TO MAKE A CLAIM.

You may want to consult an attorney to protect your rights.

INSTRUCTIONS FOR COMPLETING THE FORM

1. **General**
 - a. **Use of This Form is Required.** To assert a claim, you must complete and sign the accompanying Form and submit it to the Receiver prior to the Bar Date.
 - b. **Exclusive Recovery Method.** The only way to obtain a distribution is through timely submission of the Form in accordance with these instructions.
2. **Claimant:** Fill in the name of the person or entity asserting a claim, along with the contact information requested. Notices and communications from the Receiver will be sent to the email address provided. Distributions, if any, will be made payable to the person stated on the Form and sent to the address provided, unless you state otherwise in the Form. A separate space is provided for the payment address if it differs from the notice address. *You have a continuing obligation to keep the Receiver informed of your current contact information.*
3. **Joint, Multiple and Related Claims:** A separate Form should be submitted for each person or entity submitting a claim, except as discussed below.
 - a. **Jointly Held Claims.** Persons jointly holding claims (e.g., a husband and wife) may submit a joint Form.
 - b. **Multiple Claims Held by One Person.** Persons whose claim is based on more than one type of claim (i.e., you hold a Promissory Note and a claim based on precious metals purchases) should include all claims in one Form. Also, claims based on multiple loans/investments should be made in one Form.
 - c. **Related Claims.** There is a box to check if your claim is related to other claims that have been submitted. For instance, if you made investments personally and through a corporation or LLC that you control, you should make separate claims for each, but check the box to inform the Receiver of the relationship. If you held individual and IRA accounts, separate claim forms should be prepared for each type of account. Also, if other members of your family made investments separately from you, you should check the box and identify those claims.
4. **Total Amount Claimed:** State the total amount owed to you based on all claims you may have.
5. **Basis for Claim:** Identify the type of debt or how it was incurred. Complete only the portions of this section that apply to your claim. If you have more than one type of claim mark multiple boxes. If you believe further explanation of your claim is required, please attach the additional information you consider appropriate and note that you are attaching supplemental information in the "Additional Information" portion of the Form.
 - a. **Promissory Note Claims.** Check this box if you lent or invested money and were issued a Promissory Note. Please disclose the total amount you lent/invested, the total amount you received back, and the total amount that you are owed. It is the Receiver's position that claims for interest are not allowable. You do not need to submit supporting documentation for this type of claim. The Receiver will compare the claim asserted in your Form with records in his custody, and contact you to request documents if he has questions.
 - b. **Precious Metals Purchase Claims.** Check this box if you purchased precious metals from Old Glory Mint and did not receive any or all of the metals ordered. *Please attach documents to support your claim.*
 - c. **Other Claims.** Check this box if your claim is not based on a Promissory Note that was issued to you or on a purchase of precious metals. Describe the reason for the claim and the total amount owed. *Please attach documents to support your claim.*

6. **Distributions:** Any distributions made by the Receiver will be made to the person listed as the "Claimant" on the front of the Form and will be issued to the Claimant at the address listed in the Claimant block. There is a separate "Distributions" section. Only fill this out if you would like all or a part of any distribution made to a retirement custodian or another entity. If this portion is completed, all distributions will be made as directed unless you instruct the Receiver in writing otherwise.
7. **Additional Information:** This part of the Form is optional. You may use this space to provide any other information about your claim. You may also use this space to itemize the documents being submitted.
8. **Signatures and Verification:** The individual completing this Form must sign and date it for it to be valid. If you sign this Form you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information and reasonable belief. Whether signing the Form personally or in a representative capacity, your signature makes you responsible for the claim asserted and for the veracity of the statements made. Be sure to provide true, accurate, and complete information. If the Form is submitted by an authorized agent for the Claimant, note this on the Form.
9. **Supporting Documentation.** If you are attaching documents to support your claim, *do not send originals. Please do not discard any documents related to your claim even if you are not attaching them to this Form.*

INSTRUCTIONS FOR SUBMITTING THE COMPLETED FORM TO THE RECEIVER

10. **Submitting the Form.** The completed and signed Form must be submitted to the Receiver so that it is received by him prior to the Bar Date of November 3, 2015. *Do not file your Form with the Court.*
11. **Method of Submission.** The completed form may be submitted to the Receiver via U.S. Mail, overnight mail, or hand delivery addressed to the following: Claims c/o Klein & Associates, 10 E. Exchange Place, Suite 502, Salt Lake City, Utah 84111; or submitted by email at: Claims@kleinutah.com.
12. **Keep a Copy.** You should retain a copy of your completed Form and any supporting documents sent to the Receiver, along with proof of the date of submission.

POST-SUBMISSION PROCEDURES

13. **Notices.** To conserve costs and speed communications, the Receiver will communicate with you about your claim and the claim process via email. If you do not include an email address in the Form, the Receiver will send notices via U.S. Mail. Information about the status of the claim process will be posted at www.kleinutah.com/index.php/receiverships/national-note-of-utah-lc.
14. **Procedures.** Upon submission of your Form, you can expect the following:
 - a. **Claim Number.** Your Form will be assigned a "Claim Number" and you will receive a notice of your Claim Number. *Please make a note of your Claim Number because you will need it to communicate with the Receiver. To maintain your confidentiality, public filings regarding your claim will refer to your Claim Number, not your name.* Please contact James Shupe, Klein & Associates, at jshupe@kleinutah.com or 801-456-4591, if you have not received your Claim Number within 10 days of submitting your Form.
 - b. **Initial Claim Review.** The Receiver will review the claim you have made, and if he requires further information, he will contact you. *Please respond promptly to any inquiries from the Receiver.*
 - c. **Notice of Amount of Allowed Claim.** The Receiver will notify you of the amount of your claim that he will recommend for approval. If the Receiver expects to recommend an amount lower than claimed on your Form, the Receiver may attempt to reach agreement with you regarding the claim amount.
 - d. **Report to the Court.** No later than 75 days after the Bar Date, the Receiver will file with the Court and send you notice of his recommendation for allowed claim amounts. You will have will have 21 days to file an objection to the amount of the claim if you do not agree with what the Receiver has recommended. Objections will be set for evidentiary proceedings.
 - e. **Distribution Plan.** After claim issues are resolved, a distribution plan will be recommended to the Court. Only holders of allowed claims may receive a distribution under the plan. Allowance of a claim, however, does not guaranty a right to distribution. Distributions will depend on the amount of funds ultimately recovered by the Receiver and the methodology employed in the Court-approved plan.

EXHIBIT 3

**NOTICE OF BAR DATE FOR
SUBMITTING CLAIMS FOR LOSSES
RELATED TO NATIONAL NOTE OF
UTAH, LC OR AFFILIATED ENTITIES**

Pursuant to an Order of the U.S. District Court for the District of Utah in *SEC v. National Note of Utah, LC and Wayne L. Palmer*, Case No. 12-cv-591 BSJ, **persons who invested with or have claims against National Note of Utah LC or its affiliated entities, which are:** Bonneville Minerals, LLC; Centennial Aviation, LLC; The Corner Corporation; DPLM, LLC; Elkhorn Ridge, LLC; Expressway Business Park, LLC; Farrell Business Park, LLC; Freedom Minerals I, LLC; Freedom Minerals II, LLC; Homeland Development I, LLC; Homeland Development II, LLC; Homeland Funding Corp.; Homeland Holding Corp.; Homeland Minerals, LLC; Homeland Mortgage, Inc.; Homeland Mortgage L.C.; Indian Canyon, LLC; Koala T. Investments LLC; Land Utah, LC; Made Art Licensing, LLC; Montana One, LLC; ND I, LLC; NPL America, LLC; Network Leisure Shoppes, Inc.; Note Systems, Inc.; Old Glory Minting Company, LLC; Ovation 106, LLC; Passport Properties, L.C.; Pedigree Properties; Presidential Utah Properties, LC; Prime Wave I, LLC; The Property Company, LLC; Real Estate Finance Institute, Inc.; Riverbend Estates LC; Spanish Fork Development, LLC; Territory Land Company, Inc.; Top Flight, LLC; Traditions in Timber; Twin Pines Property, LC; and Vision Land, LLC, **must submit a Proof of Claim so that it is received by no later than November 3, 2015 (the "Bar Date").** The form to assert a claim and written instructions for submitting a Proof of Claim may be obtained at www.kleinutah.com/index.php/receiverships/national-note-of-utah-lc, or by calling Klein and Associates at 801-456-4591. Failure to submit a completed and signed Proof of Claim prior to Bar Date will result in the claim being deemed waived and, absent Court order, it will be disallowed and forever barred.