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**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 DENYING RECEIVER'S
MOTION REQUESTING
DISALLOWANCE OF PROOFS OF
CLAIM AS TO PROOF OF CLAIM
NO. 1300 SUBMITTED BY
LESLIE PAULA PROFFIT**

Case No: 2:12-CV-591 BSJ

The Honorable Bruce S. Jenkins

The matter before the Court is the *Receiver's Motion Requesting Disallowance of Proofs of Claim and Memorandum of Law in Support* [Docket No. 1092] (the "Motion"). On April 6, 2016, an *Objection to Receiver's Recommendation That Certain Claims Be Disallowed (Proof of Claim No. 1300)* [Docket No. 1112] (the "Objection") was filed by Leslie Paula Proffit (the "Claimant"). The Receiver has filed a *Reply* to the Objection [Docket No. 1139], as amended [Docket No. 1141] (the "Reply").


The Claimant's Proof of Claim No. 1300 is asserted in the total amount of \$27,886.02. In the Motion and in the Reply, the Receiver has requested that Proof of Claim No. 1300 be disallowed in its entirety because the Claimant elected to be treated as a secured creditor, and alternately, that if the Proof of Claim is allowed, that any distribution that the Claimant receives be reduced by the Receiver's costs to obtain a default judgment invalidating her asserted secured interest. The Receiver does not contest that, if allowed, the amount of the Claimant's claim is \$27,886.02.

A hearing on the Motion was held on May 18, 2016. Peggy Hunt, Dorsey & Whitney LLP, appeared on behalf of the Receiver, who was also present. The Claimant was not present. The Court has reviewed the *Receiver's Initial Claims Report* [Docket No. 1088]; the Motion and all Exhibits attached thereto; the *Certificate of Service Regarding (1) Receiver's Initial Claims Report, and (2) Motion Requesting Disallowance of Proofs of Claim* [Docket No. 1102]; the Claimant's Objection; the Receiver's Reply; the record in this case; and the representations of the Receiver made on the record. Based thereon and for good cause shown,

IT IS HEREBY ORDERED that:

- (1) The Motion is **DENIED**; and
- (2) Proof of Claim No. 1300 is **ALLOWED** in the amount of \$27,886.02.

DATED this 24 day of May, 2016.


The Honorable Bruce S. Jenkins
United States District Court