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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 RELATED TO RECEIVER'S
MOTION REQUESTING
DISALLOWANCE OF PROOFS OF
CLAIM AND OBJECTION FILED BY
KIMBERLY J. BRASHER**

(Proof of Claim No. 1394)

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 4, 2016, a *Response and Objection to the Receiver's Motion to Disallow Claim Filed by Kimberly J. Brasher (Proof of Claim No. 1394)* [Docket No. 1109] (the "Objection") was filed by


Kimberly J. Brasher (the "Claimant"). The Receiver has filed a *Reply* to the Objection [Docket No. 1135].

The Claimant's Proof of Claim No. 1394 is asserted in the total amount of 107,478.17. In the Motion and in the Reply, the Receiver has requested that Proof of Claim No. 1394 be disallowed in its entirety because the Claimant elected to be treated as a secured creditor. Alternatively, the Receiver maintains that, if allowed, Proof of Claim 1394 should be limited to the amount of the Claimant's net principal investment which he states is in the amount of \$99,505.40.

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. At the hearing, it was recognized that the Claimant is a defendant in the case styled as *Klein v. Adams*, Civ. No. 2:14-CV-00614 (D. Utah) (the "ABI Case"). For the reasons stated on the record at the hearing,

IT IS HEREBY ORDERED that consideration of the Receiver's Motion is **DEFERRED** pending a determination in the ABI Case.

DATED this 24 day of May, 2016.


The Honorable Bruce S. Jenkins
United States District Court