

FILED
U.S. DISTRICT COURT

2017 OCT 12 2:23

DISTRICT OF UTAH

BY: _____
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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 APPROVING (1) PUBLIC
SALE OF PROPERTY FREE AND
CLEAR OF INTERESTS, (2) METHOD
AND FORM OF PUBLICATION
NOTICE, AND (3) PUBLIC AUCTION
PROCEDURES**

(EXPRESSWAY LAND)

Civil No. 2:12-00591

The Honorable Bruce S. Jenkins

The matter before the Court is the *Receiver's Amended Motion Requesting Order Approving (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures and Memorandum in Support (Expressway Land)* [Docket No. 1315] (the "Amended Motion") filed by R. Wayne Klein, the Court-Appointed Receiver (the "Receiver") in the above captioned case, related to the sale certain real property located at 1100 North Market Place Drive, Spanish Fork, UT, with tax

parcel numbers 27:010:0067, 27:010:0068, 27:010:0064, and 38:400:0307 -0326 (the “Property”).

Through the Amended Motion, the Receiver is seeking (1) authorization to sell the Property at public sale to the highest and best offer, free and clear of all interests, (2) approval of the form and method of publication notice, and (3) approval of proposed auction procedures.

The Court has reviewed the Amended Motion and the *Amended Declaration of R. Wayne Klein, Receiver*, (“Amended Receiver Declaration”) [Docket No. 1316] together with all of the Exhibits attached thereto, all other papers filed related thereto, and applicable law. Based thereon, and for good cause appearing,

IT IS HEREBY ORDERED that:

1. The Amended Motion is **GRANTED**.
2. The sale of the Property free and clear of interests as set forth in the Amended Motion to the proposed buyer or a higher and better offeror at auction is **APPROVED**.
3. The method and form of the publication notice as set forth in the Amended Motion are **APPROVED**. The following notice shall be published in *The Salt Lake Tribune*, a newspaper published in Salt Lake City, Utah, and in *The Daily Herald*, a newspaper published in Utah County, Utah, with general circulation throughout the county, once a week for a period of four weeks prior to the public sale:

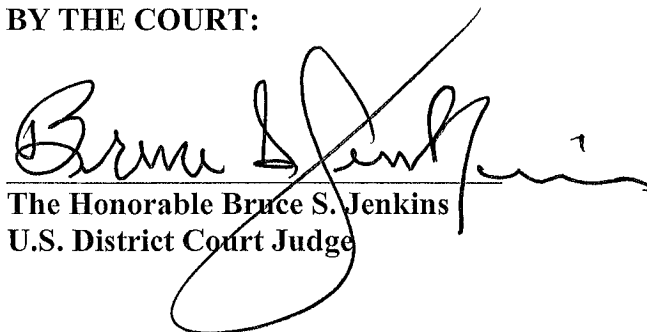
R. Wayne Klein, Receiver for National Note of Utah, LC and its affiliated entities (the “Receiver”) in the civil case styled as Securities and Exchange Comm. v. National Note of Utah, LC et al., Civ. Case No. 2:12-cv-00591 (D. Utah) (“Civil Case”), gives notice of his intent to sell certain real property located at 1100 North Market Place Drive, Spanish Fork, UT, with tax parcel numbers 27:010:0067, 27:010:0068, 27:010:0064, and 38:400:0307 -0326 (the “Property”) through a public auction to the highest bidder payable in lawful money of the United States on the ___ day of _____, 2017 at the hour of ___ on the

Property at the above stated address, or as may be continued from time to time by the Receiver (the "Auction"). The Property will be sold at the Auction free and clear of all interests, "as is" with no representations and warranties. Only "Qualified Bidders" may participate in the Auction. To be a Qualified Bidder, you must comply with the "Auction Procedures" that have been approved in the Civil Case, which Auction Procedures may be obtained upon request made to the Receiver's counsel at: Dorsey & Whitney LLP, attn: John J. Wiest, 111 South Main Street, 21st Floor, Salt Lake City, Utah 84111; wiest.john@dorsey.com.

4. The Auction Procedures described in the Amended Motion and attached to the Amended Motion as Exhibit B are **APPROVED**.

DATED this 12th day of October, 2017.

BY THE COURT:


The Honorable Bruce S. Jenkins
U.S. District Court Judge