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*Attorneys for Court-Appointed Receiver R. Wayne Klein*

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

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

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

Defendants.

**RECEIVER'S *EX PARTE* MOTION  
SEEKING APPROVAL OF  
PROPOSED METHOD AND FORM  
OF PUBLICATION NOTICE FOR  
SALE OF REAL PROPERTY AND  
MEMORANDUM IN SUPPORT**

**(BYRON BLOCK 1 LOT 4)**

Civil No. 2:12-00591

The Honorable Bruce S. Jenkins

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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 of record and pursuant to 28 U.S.C. §§ 2001(a) and 2002 and the *Order Appointing Receiver and Staying Litigation* entered by this court in this case [Docket No. 9] (the “Receivership Order”), hereby files this *ex parte* “Motion” and respectfully requests that the Court enter the proposed Order attached hereto as **Exhibit A**, approving the method and form of publication notice for the sale of certain real property as more specifically described below.

### **BACKGROUND**

1. Concurrently herewith, the Receiver is filing the *Receiver's Motion Requesting Order Approving Sale Byron Block 1 Lot 4 Free and Clear of Interests and Memorandum in Support* (the "Sale Motion"), seeking this Court's authorization of the sale of certain real property of the Receivership Estate known as Block 1 Lot 4 of the Byron West Industrial Park in Byron, Olmsted County, Minnesota, with tax parcel number 75.31.23.068511 (the "Property").

2. The Receivership Order provides that the Court may require that the proposed sale of real property satisfy 28 U.S.C. § 2001.<sup>1</sup>

3. The present Motion is meant to facilitate compliance with 28 U.S.C. § 2001 and the Receivership Order by seeking an Order of this Court approving the method and form of publication notice of the proposed sale of the Property.

### **APPLICABLE LAW**

4. Section 2001(b) of title 28 of the United States Code permits, with Court approval, a private sale of receivership property, but it conditions such sale on, among other things, publishing notice of the sale.

5. Section 2001(b) states, in relevant part, that: "Before confirmation of any private sale, the terms thereof shall be published in such newspaper or newspapers of general circulation as the court directs at least ten (10) days before confirmation."<sup>2</sup>

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<sup>1</sup> Receivership Order ¶ 39.

<sup>2</sup> 28 U.S.C. § 2001(b).

**REQUESTED RELIEF**

6. To comply with the requirement of publication notice set forth in 28 U.S.C. § 2001(b), the Receiver files the *ex parte* motion, seeking approval of the method and form of publication notice of the proposed sale of the Property described above.

7. The Receiver proposes that the following notice be published in *The Salt Lake Tribune*, a newspaper published in Salt Lake City, Utah, and *The Byron Review*, a newspaper published in Byron, Minnesota, for a period of one (1) day at least ten (10) days before the entry of any Order approving the proposed sale:

R. Wayne Klein, Receiver for National Note of Utah, LC and its affiliated entities 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 (“Civil Case”), gives notice of his intent to sell through private sale, and free of all liens and interests, one parcel of real property identified as Block 1 Lot 4 of the Byron West Industrial Park in Byron, Olmsted County, Minnesota, with tax parcel number 75.31.23.068511 (the “Property”). The Receiver has agreed to sell the Property for total consideration of \$288,520.00 plus closing costs and property taxes and assessments accruing after December 14, 2017, subject to approval by the U.S. District Court for the District of Utah in the Civil Case and higher and better offers as allowed pursuant to 28 U.S.C. § 2001. The Receiver has filed a motion seeking the District Court’s approval of the proposed sale. This motion for approval will come for a hearing before the Honorable Bruce S. Jenkins at 351 South West Temple, Salt Lake City, Utah on \_\_\_\_\_, 2018 at \_\_\_\_\_ am/pm in room 7.200. Any person wishing to submit a higher and better purchase offer, with such offer being at least 10% greater than the offer the Receiver has accepted, should present it in writing so that it is received no later than 10 days from the date of this notice to the Receiver’s counsel at: Dorsey & Whitney LLP, attn: John J. Wiest, 111 South Main Street, 21st Floor, Salt Lake City, UT 84111-2176. Any objections to the sale must be in writing and should be filed with the Court at the above address before the date of the hearing. Higher and better offers are invited.

**CONCLUSION**

Accordingly, for the reasons set forth herein, the Receiver requests that the Court approve the method and form of the publication notice proposed herein and grant the proposed Order attached hereto as **Exhibit A**.

DATED this 29th day of January, 2018.

**DORSEY & WHITNEY, LLP**

*/s/ Peggy Hunt*

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Peggy Hunt

John J. Wiest

*Attorneys for Receiver*

**CERTIFICATE OF SERVICE**

I hereby certify that on the January 29, 2018, a true and correct copy of the foregoing was filed with the Court and served via ECF on all parties who have requested notice in this case.

/s/ John J. Wiest

I hereby certify that on the January 29, 2018, a true and correct copy of the foregoing was served upon the persons named below, at the addresses set out below by U.S. mail:

Property Records and Licensing  
Olmsted County Government Center  
151 4th Street SE  
Rochester, MN 55904

Boulevard Associates, LLC  
Attn: Land Services  
700 Universe Blvd.  
Juno Beach, FL 33408

Boulevard Associates, LLC  
Attn: Seth Sheitelman  
700 Universe Blvd. (LAW/JB)  
Juno Beach, FL 33408

Byron City Office  
Attn: Mary Blair-Hoeft, City Administrator  
680 Byron Main Court NE  
Byron, MN 55920

/s/ Karen Bingham