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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,

v.

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

Defendants.

#### RECEIVER'S NOTICE OF PUBLIC SALE RESULTS

### (37 LOTS, ELKHORN RIDGE ESTATES)

2:12-cv-00591 BSJ

The Honorable Bruce S. Jenkins

- 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 hereby files this *Notice of Public Sale Results (37 Lots, Elkhorn Ridge Estates)*. In support hereof, the Receiver states as follows:
- 1. On November 7, 2019, the Court entered an *Order Approving (A) Proposed Auction*Agreement and Sale Procedures, (B) Public Sale of Property free and Clear of Interests, and (C)

  Method and Form of Publication Notice (Elkhorn Ridge Estates) [Docket No. 1461] (the "Sale

  Order"), authorizing procedures for and the public sale of 37 parcels of real property and related common property in the Elkhorn Ridge Estates subdivision near Malad, Oneida County, Idaho,

with tax parcel ID numbers RP0281906, 281915-281927, 281929-281930, and 281932-281953 (the "Real Property") free and clear of interests.

- 2. Pursuant to the Sale Order, the Receiver published the Court-approved notice of the auction. Proofs of the publication are attached hereto as <u>Exhibit A</u>.
- 3. Statewide Auction Company, the Court-approved auctioneer, marketed the property by:
  - a. Placing prominent signs about the auction on the Property;
  - Capturing photos and video of the Property and gathering information about the
     Property from the Receiver, government offices, and commercial sources;
  - c. Creating brochures and flyers about the Property and the auction;
  - d. Advertising the auction on its website, which included information about the property, photos and videos of the property, and details about the auction (including the date, time, location, terms, bidding requirement, and auction procedures);
  - e. Sending information about the Property and the auction to persons on Statewide's existing customer email distribution list of over 6,000 prior buyers, potential additional buyers identified by Statewide based on the particular characteristics of the Property, and persons identified by the Receiver as having expressed interest in this Property and other properties sold by the Receiver.
- 4. The auction was held on December 17, 2019 at the Salt Lake City offices of Statewide. A total of 92 bidders pre-qualified to participate in the auction, having submitted bid deposits and participating in the auction in person, online, or by telephone.
- 5. The auction was conducted in two phases. The first phase was a bulk sale, to determine the highest bid for all 37 lots together. The high bid for the bulk sale was \$210,000. The

second phase was an auction of individual lots. The aggregate auction bid for individual lots was \$532,500, so the bulk bid at phase one was rejected. The 37 lots sold at prices ranging from \$9,500 to \$23,500.

- 6. The sales of the 37 lots closed between January 17, 2020 and February 18, 2020.
- 7. The table below shows the results of these sales at auction:

Lot #	Size	Appraised	Sales	Comm.,	Net Sale
	(Acres)	Value	Prices	Closing	Proceeds
9	2.5	14,000	11,000	966.16	10,033.84
10	2.5	14,000	9,500	845.16	8,654.84
11	2.5	14,000	12,000	1,007.16	10,992.84
12	2.5	14,000	11,500	977.16	10,522.84
13	5.0	14,000	20,500	1,571.33	18,928.67
14	5.0	14,000	23,500	1,769.33	21,730.67
15	2.5	14,000	11,000	941.16	10,058.84
16	2.5	14,000	11,500	977.16	10,522.84
17	2.5	14,000	11,500	977.16	10,522.84
18	2.5	14,000	12,500	1,043.16	11,456.84
19	2.5	14,000	14,000	1,139.16	12,860.84
20	2.5	14,000	15,000	1,205.16	13,794.84
21	2.5	14,000	15,000	1,205.16	13,794.84
23	2.7	15,000	12,500	1,043.18	11,456.82
24	2.5	15,000	14,000	1,139.16	12,860.84
26	2.8	16,000	16,500	1,307.25	15,192.75
27	2.5	14,000	11,500	977.16	10,522.84
28	2.5	14,000	13,000	1,223.16	11,776.84
29	2.8	16,000	14,500	1,175.18	13,324.82
30	2.6	15,000	13,500	1,109.17	12,390.83
31	2.8	16,000	14,500	1,175.18	13,324.82
32	2.5	14,000	15,500	1,241.16	14,258.84
33	2.5	14,000	13,500	1,109.16	12,390.84
34	2.5	14,000	13,500	1,109.16	12,390.84
35	2.5	14,000	15,000	1,205.16	13,794.84
36	2.5	14,000	15,000	1,205.16	13,794.84
37	2.5	14,000	12,000	1,007.16	10,992.84
38	3.8	16,000	16,500	1,307.25	15,192.75
39	3.8	16,000	17,500	1,373.25	16,126.75
40	2.5	14,000	13,000	1,073.16	11,926.84
41	2.5	14,000	15,000	1,355.16	13,644.84
42	2.5	14,000	13,500	1,109.16	12,390.84
43	2.5	14,000	17,000	1,337.16	15,662.84

44	2.4	14,000	17,500	1,337.16	15,662.84
45	2.5	14,000	17,000	1,337.16	15,662.84
46	2.5	14,000	17,000	1,337.16	15,662.84
47	2.5	14,000	15,500	1,391.16	14,108.84
Totals		531,000	532,500	43,644.60	488,855.40

8. The Net Sale Proceeds have been deposited into the Receivership operating account for distribution to claimants and to pay administrative expenses incident to closing the Receivership Estate.

DATED this 6<sup>th</sup> day of March, 2020.

**DORSEY & WHITNEY LLP** 

/s/ Peggy Hunt
Peggy Hunt
Counsel for the Receiver

#### **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the above Notice of Public Sale Results wa
filed with the Court on this 6th day of March, 2020 and served via ECF on all parties who hav
requested notice in this case.

/s/ Peggy Hunt

# EXHIBIT A

Case 2:12-cv-00591-BSJ Document 1470 Filed 03/06/20 Page 7 of 8 4770 S. 5600 W. Media Group

WEST VALLEY CITY, UTAH 84118 FED.TAX I.D.# 87-0217663 801-204-6910

Descret News

The Salt Lake Tribune

PROOF OF	PUBLICATION	CUSTOMER'S COPY	r

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS

BY LORAINE GUDMUNDSON.

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	
KLEIN & ASSOCIATES, PLLC, ACCOUNTS PAYABLE.	9001332509	LEGAL NOTICE
PO BOX 1836	DATE	Wayne Klein, Receiver for National Note of Utah, LC and its affiliated entities (the "Receiver") in the civil case styled as Securities and Explanate Comm. National C
SALT LAKE CITY UT 84110	12/6/2019	fional Note of Urah, LC et al., Civ. Case No. 2:12:cv- 00591 (D. Urah) ("Civil Care"), gives notice of his in- tent to sell 37 parcels of real property located at the Elkhom Ridge Estates subdivision in Malad Summit, BPO28190(1) (2016) (With tax parcel numbers
ACCOUNT NAME		ed open space (the "Property"), through a public auction conducted by Statewide Auction Company ("Statewide Auction Company ("Statewide") to the highest his
KLEIN & ASSOCIATES, PLLC,		of the United States on the 17th day of December, 2019, at the hour of 12:00 noon at Statewide's location, 155 N. 1000 W. Salt Law City. In 243 1.
TELEPHONE	ORDER # / INVOICE NUMBER	N. Wayne Klein, Receiver for National Note of Utah, LC and its affiliated entities (the "Receiver") in the civil case styled as Securities and Exchange Corn. v. National Note of Utah, LC et al. (N. Case No. 2:12-cv. 00:591 (D. Utah) ("Civil Cate"), gives notice of his Intent to sell 37 parcels of rea property located at the Eikhom Ridge Estates subdivision in Malad Summit, Oneida County, Idaho, with tax parcel numbers RP0281906, 15-27, 2-30, and 32-53, and related open space (the "Property"), through a public auction conducted by Statewide Auction Company ("Statewide") to the highest blader payable in lawful money of the United States on the 17th day of December, 2019, at the hour of 12:00 noon at Statewide's location, 155 N. 1000 W. Salt Lake City, UT 84116, or as may be continued from time to time by the Receiver and Statewide (the "Auction"). The Property will be sold at the Auction free and clear of all interests, "as is with or epresentations and warranties. Only "Quelified Bidder," you must comply with Statewide's auction procedures, which may be obtained upon request made to the Receiver's counsel at the Darsey & William (1) and the North Cate of the Receiver's counsel at Darsey & William (1) and the Street, 21st Floor, Salt Lake City, Utah 84111; wiest, john@dorsey.com.  ■ **WANDER**
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PUBLICATION SCHEDULE	101273717-11222019 101273717-11292019	quest made to the Receiver's counsel at: Dorsey 8. Whitney LLP, affin: John J. Wiest, 11 South Main Street, 21st Floor, Salt Lake City, Line 843, 1
START 11/15/2019 END 12/06/2019		wiest.john@dorsey.com. 1273717  UPAKLP
CUSTOMER REFERENCE NUMBER		
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LEGAL NOTICE R. Wayne Klein, Receiver for N	lational Note of Utah, LC and its affiliated	
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TIMES TOTAL COST		
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COMPANY, LLC dba UTAH MEDIA GROUP, AGENT PRINTED IN THE ENGLISH LANGUAGE WITH GENE		
COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO PUBLICATION DATE AND REMAINS ON UTAHLEGA		
CODE 46-2-101; 46-3-104.		
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JAE LEVI NOTARY PUBLIC -STATE OF UTAH My Comm. Exp 05/29/2022 Commission # 700608

DAY OF DECEMBER

6TH

IN THE YEAR 2019

NOTARY PUBLIC SIGNATURE

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

SS

COUNTY OF ONEIDA

supplement; and that said newspaper has been established and attached herto, was published in said newspaper once a week general circulation in the county aforesaid, and is the vicinity regularly published for more that seventy-eight consecutive consecutive weeks in the regular and entire isweeks prior to the date of first publication of said advertisenewspaper published at Malad City, in the county of Oneida tion, and was published in the newspaper proper and not a of Malad City; that the advertisement, a copy of which is atsue of said newspaper during the period of time of publicaand State of Idaho; that said newspaper has been and is in that she is the publisher of The Idaho Enterprise, a weekly Kristine D. Smith, being duly sworn, deposes and says: ment. or

and ending with the issue of Such notice was published in the issue beginning with

20 20

STATE OF IDAH

in the year of 20 known or identified to me to be the person whose name is a Notary Public, personally appeared Kristine D. Smith, paember \_day of\_ COUNTY OF ONEIDA 6 On this\_

subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho Residing at [[

My commission expires:

cember, 2019, at the hour of 12:00 noon at Statewide's ocation, 155 N. 1000 W., Salt Lake City, UT 84116, or at the Auction free and clear of all interests, "as is" with no Wiest, 111 South Main Street, 21st Floor, Salt Lake City, R. Wayne Klein, Receiver for National Note of Utah, LC and Statewide (the "Auction"). The Property will be sold ceiver's counsel at: Dorsey & Whitney LLP, attn. John J. and its affiliated entities (the "Receiver") in the civil case styled as Securities and Exchange Comm. v. National (D. Utah) ("Civil Case"), gives notice of his intent to sell 37 parcels of real property located at the Elkhorn Ridge through a public auction conducted by Statewide Auction lawful money of the United States on the 17th day of Deas may be continued from time to time by the Receiver representations and warranties. Only "Qualified Bidders" may participate in the Auction. To be a Qualified Bidder you must comply with Statewide's auction procedures. which may be obtained upon request made to the Redaho, with tax parcel numbers RP0281906, -15-27, -29 Note of Utah, LC et al., Civ. Case No. 2:12-cv-00591 Estates subdivision in Malad Summit, Oneida County 30, and -32-53, and related open space (the "Property" Company ("Statewide") to the highest bidder payable Utah 84111; wiest.john@dorsev.com.

#5171-11-21-28-12-5-12-19-T4