
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTBI,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

**ORDER GRANTING RECEIVER’S
MOTION REQUESTING (1) PUBLIC
SALE OF PROPERTY FREE AND
CLEAR OF INTERESTS, (2) METHOD
AND FORM OF PUBLICATION
NOTICE, AND (3) PUBLIC AUCTION
PROCEDURES (DOC. NO. 1024)**

Case No. 2:15-cv-00828-DN-DAO

Judge David Nuffer

Magistrate Judge Daphne A. Oberg

Before the court is Receiver’s 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 (Doc. No. 1024), filed by R. Wayne Klein, the court-appointed receiver (“Receiver”) in the above-captioned case, related to the sale of certain real property located in Millard County, Utah (the “Property”), identified by parcel number HD-4606-2 and described as follows:

The south half of the southeast quarter of section 2, township 17 south, range 8 west, Salt Lake base and meridian. less: beginning at the southeast corner of section 2, township 17 south, range 8 west, Salt Lake base and meridian, thence south 89°51’00” west 544.50 feet along the south boundary of section 2, thence north 600 feet paralleling the east boundary of the southeast quarter of section 2; thence north 89°51’00” east 544.50 feet paralleling the south boundary to the east boundary of section 2; thence south 600 feet, along the east boundary of section 2, to the point of beginning. excepting therefrom all rights of way, stock trails, ditches and canals, gravel pits and gravel beds. together with water right no. 68-2388, App. Claim No. A57256. subject to a right of way for a county road, and incidental purposes as now exists.

Through the Motion, the Receiver is seeking (1) authorization to sell the Property at public sale to the highest and best offeror, free and clear of all interests, (2) approval of the form and method of publication notice, and (3) approval of the proposed auction procedures. No opposition was filed in response to the Motion and the deadline to do so has passed.

The Court has reviewed the Motion and together with the Exhibits attached thereto, all other papers filed related thereto, and applicable law. Based thereon and for good cause appearing, the court GRANTS the Motion and ORDERS that:

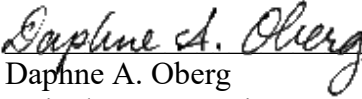
1. The sale of the Property free and clear of interests as set forth in the Motion to the proposed buyer or a higher and better offeror at auction is APPROVED.
2. The method and form of the publication notice as set forth in the Motion are APPROVED. The following notice shall be published in the Millard County Chronicle Progress, a newspaper of general circulation throughout Millard County, Utah, once a week for a period of four weeks prior to the public sale:

R. Wayne Klein, the court-appointed receiver (“Receiver”) for RaPower-3, LLC, International Automated Systems, Inc., and LTBI, LLC, as well as certain of their subsidiaries and affiliates, and the assets of Neldon Johnson and R. Gregory Shepard, in the civil case (“Case”) styled *United States v. RaPower-3, LLC*, No. 2:15-cv-00828-DN (D. Utah) gives notice of his intent to sell certain real property (“Property”) constituting 67.5 acres located in Millard County, UT, with parcel number HD-4606-2 through a public auction (“Auction”) to the highest bidder payable in lawful money of the United States on _____, 2020, at __: __.m. at the Fourth Judicial District Court in Millard County, 765 S. Highway 99, Ste. 6, Fillmore, UT, or as may be continued from time to time by the Receiver. The Property will be sold at the Auction free and clear of all interests, “as is,” with no representations or warranties. The Receiver has accepted an initial bid of \$24,000.00 to act as the opening “Stalking Horse Bid” at Auction. Only “Qualified Bidders” may participate in the Auction. To be a Qualified Bidder, you must, at least five business days before the Auction, comply with the “Auction Procedures” that have been approved in the Case, which Auction Procedures may be obtained upon request made to attorney Michael S. Lehr, Parr Brown Gee & Loveless, 101 S. 200 E., Ste. 700, Salt Lake City, Utah 84111, mlehr@parrbrown.com.

3. The Auction Procedures described in the Motion and attached to the Motion as Exhibit C are APPROVED.

DATED this 1st day of December, 2020.

BY THE COURT:



Daphne A. Oberg
United States Magistrate Judge