

**ROBB EVANS OF  
ROBB EVANS & ASSOCIATES LLC  
Receiver of I Works, Inc., et al. and  
the Assets of Jeremy Johnson**

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**Federal Trade Commission v. Jeremy Johnson, I Works, Inc., et al.  
CASE No. 2:10-CV-02203-RLH-GWF**

**Notice of Filing of Motion for Order:**

- (1) Approving and Confirming Sale of Real Property;**
- (2) Authorizing Receiver to Abandon PEPS I Houseboat; and**
- (3) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors;**

**Filed August 10, 2012**

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**ROBB EVANS OF ROBB EVANS & ASSOCIATES**  
11 **LLC**

12 **UNITED STATES DISTRICT COURT**

13  
14 **DISTRICT OF NEVADA**

16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.

19 JEREMY JOHNSON, etc., et al.,

20 Defendants.  
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Case No. 2:10-CV-02203-MMD-GWF

**NOTICE OF FILING OF MOTION FOR  
ORDER (1) APPROVING AND  
CONFIRMING SALE OF REAL  
PROPERTY AND FOR RELATED  
RELIEF; (2) AUTHORIZING  
RECEIVER TO ABANDON PEPS I  
HOUSEBOAT; AND (3) GRANTING  
RELIEF FROM LOCAL RULE 66-5  
PERTAINING TO NOTICE TO  
CREDITORS**

23 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC  
24 (“Receiver”), the Receiver pursuant to the Court’s Preliminary Injunction Order issued February  
25 10, 2011, has filed with the Court his Notice of Motion and Motion for Order: (1) Approving and  
26 Confirming Sale of Real Property and for Related Relief; (2) Authorizing Receiver to Abandon  
27 Peps I Houseboat; and (3) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors  
28 (“Motion”). Pursuant to the Motion, the Receiver moves the Court for the following relief:

1           1.       An order **entered before September 14, 2012**, approving and confirming the  
2 Receiver’s proposed sale of the real property located at 147 N. 100 W. Mendon, Utah 84325  
3 (“Mendon Property”) to arms’ length, third party buyers Randall E. Plagmann and Debra W.  
4 Plagmann (“Mendon Buyers”) by private sale for the sum of \$250,000.00 cash pursuant to the  
5 terms of that certain Commercial Real Estate Purchase Contract dated as of June 11, 2012,  
6 Addendum Nos. 1 through 8 to Real Estate Purchase Contract with Addendum and Additional  
7 Terms, Addendum for 147 N. 100 W. Mendon UT, and Seller’s Property Condition Disclosure  
8 (collectively the “Mendon Purchase Agreement”), a copy of which is attached collectively as  
9 Exhibit 3 to the Declaration of Kenton Johnson, and without further notice, hearing or order or  
10 overbidding, and in connection therewith:

11                   (a)       Authorizing the Receiver to execute all documents and instruments  
12 necessary or convenient to complete, implement, effectuate and close the sale of the Mendon  
13 Property to the Mendon Buyers, including but not limited to the deed conveying title to the  
14 Mendon Property;

15                   (b)       Authorizing the Receiver to permit and/or cause to be paid from the  
16 proceeds of sale of the Mendon Property all ordinary and customary closing costs, all costs and  
17 expenses required to be paid under the terms of the Mendon Purchase Agreement by the seller  
18 from the proceeds of sale, all commissions provided for in the Mendon Purchase Agreement and  
19 the Receiver’s Exclusive Right to Sell Listing Agreement and Agency Disclosure for the property  
20 attached as Exhibit 1 to the Declaration of Kenton Johnson in support of the Motion;

21                   (c)       Authorizing the Receiver to complete the sale of the Mendon Property  
22 without further notice, order or overbidding under the circumstances and based on the fact that  
23 the proposed sale is for fair market value and is a very favorable, all cash sale as to which few  
24 other potential buyers have been located;

25           2.       An order authorizing the receiver to abandon and not further administer the  
26 personal property consisting of a 1999 Skipperline Custom 76’ “Peps I” Houseboat  
27 (“Houseboat”) and allowing the lienholder Town and Country Bank to exercise its contractual  
28 rights to repossess and/or foreclose on the Houseboat pursuant to applicable state law. The

1 Receiver has investigated the potential for selling the Houseboat and has concluded that the  
2 expenses of sale, the commissions of the broker, the loan payoff, and likely minimal net sales  
3 proceeds would not justify the risk and expense of continuing to attempt to liquidate the  
4 Houseboat. Despite the Houseboat's prolonged exposure to the marketplace and extensive  
5 marketing by the Receiver's broker there has been limited interest in the Houseboat. Given the  
6 severe recession and economic conditions in and around Lake Powell, Arizona, the liquidation of  
7 the Houseboat will be expensive and risky to the receivership. In the Receiver's business  
8 judgment, the expense and risk to the estate of an unsuccessful liquidation is not warranted given  
9 the minimal potential upside recovery. Therefore, the Receiver has concluded such property is  
10 burdensome and of inconsequential value and benefit to the estate and should be abandoned; and

11 3. An order deeming notice of the Motion to be sufficient under Local Civil Rule 66-  
12 5 based on the service of this notice of the filing of the Motion and the Motion on all parties and  
13 service of this notice of the filing of the Motion on all known non-consumer creditors of the  
14 estate, and on all known taxing authorities with a potential claim in the receivership estate  
15 concurrent with the filing of the Motion with the Court, but not on the tens of thousands of  
16 potential consumer creditors.

17 The Motion is made pursuant to 28 U.S.C. §§ 2001 and 2002 and Local Civil Rules 7-2  
18 and 66-5 and other applicable law and is based upon this separate notice of filing of the Motion,  
19 the notice of Motion and Motion, the accompanying memorandum of points and authorities and  
20 the Declaration of Kenton Johnson filed in support thereof, any reply, and upon all other  
21 pleadings and documentary evidence as may be presented to the Court by the Receiver.  
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Dated: August 10, 2012

Respectfully submitted,

RANDOLPH L. HOWARD  
KOLESAR & LEATHAM, CHTD.

MCKENNA LONG & ALDRIDGE LLP  
GARY OWEN CARIS  
LESLEY ANNE HAWES

By: /s/ Gary Owen Caris

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**ROBB EVANS OF ROBB EVANS &  
ASSOCIATES LLC**