

**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) Authorizing, Approving and Confirming Sale of Property Located at 620 E. Main Street, Rockville, Utah and Related Water Rights Free and Clear of Liens, Claims, and Encumbrances and for Related Relief; and**
- (2) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors**

Filed August 13, 2013

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

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 FEDERAL TRADE COMMISSION,
16
17 Plaintiff,
18 v.
19 JEREMY JOHNSON, etc., et al.,
20 Defendants.

Case No. 2:10-CV-02203-MMD-GWF
**NOTICE OF FILING OF MOTION FOR
ORDER (1) AUTHORIZING,
APPROVING AND CONFIRMING SALE
OF PROPERTY LOCATED AT 620 E.
MAIN STREET, ROCKVILLE, UTAH
AND RELATED WATER RIGHTS FREE
AND CLEAR OF LIENS, CLAIMS, AND
ENCUMBRANCES AND FOR RELATED
RELIEF; AND (2) GRANTING RELIEF
FROM LOCAL RULE 66-5
PERTAINING TO NOTICE TO
CREDITORS**

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PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC (“Receiver”), the Receiver pursuant to the Court’s Preliminary Injunction Order issued February 10, 2011, has filed with the Court his Notice of Motion and Motion for Order: (1) Authorizing, Approving and Confirming Sale of Property Located at 620 E. Main Street, Rockville, Utah and Related Water Rights Free and Clear of Liens, Claims and Encumbrances, and For Related Relief; and (2) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors (“Motion”). Pursuant to the Motion, the Receiver moves the Court for the following relief:

1. An order authorizing the Receiver to engage Kirch & Todd Real Estate LLC, local real estate brokers experienced in the sale of residential real estate in the local market as broker (“Broker”) to sell the real property located at 620 E. Main Street, Rockville, Utah 84763 (“Rockville Real Property”) and all of the receivership estate’s right, title and interest, through Kombi Capital, LP, to the culinary water rights represented by Certificate No. 548 (representing one share) in the Rockville Pipeline Company and irrigation water rights represented by Certificate No. 499 (representing three and one-half shares) in the Rockville Town Ditch Company (collectively, the “Water Rights”) (with the Rockville Real Property and the Water Rights referred to collectively herein as the “Rockville Property”), and in connection therewith, an order authorizing the Receiver to enter into an exclusive right to sell listing agreement and agency disclosure (“Rockville Listing Agreement”) with Kirch & Todd Real Estate LLC, as Broker, a true and correct copy of which is attached as Exhibit 1 to the Declaration of Kenton Johnson filed in support of the Motion;

2. An order approving and confirming the Receiver’s proposed sale of the Rockville Property to Scott A. Campbell and Barbara L. Campbell (“Rockville Buyers”) by private sale for the sum of \$175,000.00 all cash, pursuant to the terms of that certain Real Estate Purchase Contract For Land dated as of May 30, 2013 with Addendum Nos. 1 through 2 to Real Estate Purchase Contract for Land, Additional Terms, and "As-Is" Purchase addendum (collectively the “Rockville Purchase Agreement”), attached collectively as Exhibit 2 to the Declaration of Kenton Johnson filed in support of the Motion, and without further notice, hearing, order or overbidding,

1 and in connection therewith:

2 (a) Authorizing the Receiver to execute all documents and instruments
3 necessary or convenient to complete, implement, effectuate and close the sale of the Rockville
4 Property to the Rockville Buyers, pursuant to the terms and conditions of the Rockville Purchase
5 Agreement and the order to be entered on the Motion, including but not limited to the deed
6 conveying title to the Rockville Real Property;

7 (b) Authorizing the Receiver to sell and transfer the Rockville Property free
8 and clear of the following liens, claims and encumbrances: (1) a first deed of trust with
9 assignment of rents dated August 24, 2010 and recorded as Entry No. 20100028544 on August
10 27, 2010, in favor Kombi Capital, LP; (2) federal tax lien of the United States recorded February
11 4, 2011 as Entry No. 20110003822; (3) warrant for delinquent taxes of the State of Utah filed
12 February 27, 2012 as Warrant No. 126500771 in the Fifth Judicial District Court Clerk's Office;
13 and (4) lien of Rockville/Springdale Fire Protection District recorded May 8, 2013 as Entry No.
14 20130017623, with such liens, claims and encumbrances to attach to the proceeds of the sale of
15 the Rockville Property in the same amount, and with the same validity, extent and priority as said
16 liens, claims and encumbrances had against the Rockville Property, and subject to further order of
17 the Court determining the amount, validity, extent and priority of such liens;

18 (c) Authorizing the Receiver to permit and/or cause to be paid from the
19 proceeds of sale of the Rockville Property all ordinary and customary closing costs, all costs and
20 expenses required to be paid under the terms of the Rockville Purchase Agreement by the seller
21 from the proceeds of sale, all commissions provided for in the Rockville Purchase Agreement and
22 the Rockville Listing Agreement attached as Exhibits 1 and 2 to the Declaration of Kenton
23 Johnson filed in support of the Motion, and all real property taxes due up to date of closing;

24 (d) Authorizing the Receiver to complete the sale of the Rockville Property
25 without further notice, order or overbidding under the circumstances, including in light of the
26 extensive fire damage to the property and limited pool of buyers for the damaged property and
27 based on the fact that the proposed sale is a favorable sale; and

28 3. An order deeming notice of the Motion to be sufficient under Local Civil Rule

1 66-5 based on the service of a notice of the filing of the Motion and the Motion on all parties and
2 the affected lienholders, and service of a notice of the filing of the Motion on all known non-
3 consumer creditors of the estate, and on all known taxing authorities with a potential claim in the
4 receivership estate concurrent with the filing of the Motion with the Court, but not on the tens of
5 thousands of potential consumer creditors.

6 The Motion is made pursuant to 28 U.S.C. §§ 2001 and 2004 and Local Civil Rules 66-5
7 and 66-10 and other applicable law and is based upon this separate notice of filing of the Motion,
8 the notice of Motion and Motion, the accompanying memorandum of points and authorities and
9 the Declaration of Kenton Johnson filed in support thereof, any reply, and upon all other
10 pleadings, documentary evidence and argument as may be presented to the Court by the Receiver.

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12 Dated: August 13, 2013

Respectfully submitted,

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

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18 By: /s/ Gary Owen Caris
Gary Owen Caris
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20 Attorneys for Receiver
**ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**