

**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-MMD-GWF**

Notice of Filing of Motion for Order:

- (1) Approving and Confirming Sale of 3 Acre Parcel in Hurricane, Utah Without Further Notice, Hearing or Overbidding and for Related Relief; and**
- (2) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors**

Filed August 5, 2016

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

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
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17 FEDERAL TRADE COMMISSION,
18 Plaintiff,

19 v.

20 JEREMY JOHNSON, individually, as officer
21 of Defendants I Works, Inc., etc., et al.,
22 Defendants.

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

**NOTICE OF FILING OF MOTION FOR
ORDER (1) APPROVING AND
CONFIRMING SALE OF 3 ACRE
PROPERTY IN HURRICANE, UTAH
WITHOUT NOTICE, HEARING OR
OVERBIDDING AND FOR RELATED
RELIEF; AND (2) GRANTING RELIEF
FROM LOCAL RULE 66-5 PERTAINING
TO NOTICE TO CREDITORS**

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25 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC
26 (“Receiver”), the Receiver pursuant to the Court’s Preliminary Injunction Order issued February
27 10, 2011 has filed a Motion for Order (1) Approving and Confirming Sale of 3 Acre Property in
28 Hurricane, Utah Without Notice, Hearing or Overbidding and for Related Relief; and (2) Granting

1 Relief from Local Rule 66-5 Pertaining to Notice to Creditors (“Motion”) concurrently herewith.

2 Pursuant to the Motion, the Receiver moves the Court for the following relief:

3 1. An order authorizing the Receiver to enter into that certain Right of Way Contract
4 (“UDOT Contract”) between the Receiver and the Utah Department of Transportation (“Utah
5 DOT”) attached as Exhibit 2 to the Declaration of M. Val Miller in support of the Motion and
6 pursuant thereto, to sell and transfer to the Utah DOT that certain approximate 3-acre parcel of
7 undeveloped land located in the Elim Valley area of Hurricane, Washington County, Utah (“3
8 Acre Property”) more fully described in Exhibit 1 to the UDOT Contract, in exchange for a cash
9 payment to the receivership estate of \$75,000.00, with the 3 Acre Property sold and transferred “as
10 is, where is, with all faults,” and without representations or warranties of any kind or nature as
11 more fully set forth in the UDOT Contract, and without further notice, hearing, order or
12 overbidding, and in connection therewith:

13 (a) Authorizing the Receiver to execute all documents and instruments necessary or
14 convenient to complete, implement, effectuate and close the sale of the 3 Acre Property to UDOT
15 pursuant to the terms of the UDOT Contract, including but not limited to a special warranty deed
16 conveying title to the 3 Acre Property;

17 (b) Authorizing the Receiver to permit and/or cause to be paid from the proceeds of
18 sale of the 3 Acre Property any ordinary and customary closing costs and expenses required to be
19 paid under the terms of the UDOT Contract by the grantor from the proceeds of sale, all sales
20 commissions owing in connection with the sale of the 3 Acre Property, including specifically a
21 sales commission of 6% of the gross sales price pursuant to the Exclusive Listing Agreement &
22 Agency Disclosure between the Receiver and Brokers Commercial, LLC dba NAI Utah Southern
23 Region ("Broker") dated May 15, 2015 as extended by the Listing Agreement Addendum/Change
24 Form dated April 19, 2015 (collectively “Listing Agreement”) attached as Exhibit 1 to the
25 Declaration of M. Val Miller in support of this Motion, and all real property tax liens outstanding
26 and prorated real property taxes due up to the date of closing;

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1 (c) Authorizing the Receiver to complete the sale of the 3 Acre Property without
2 further notice, hearing, order or overbidding in that the 3 Acre Property is landlocked without
3 easements or other access to roads, the 3 Acre Property has been marketed and listed for sale by
4 the Receiver for over two and one-half years without any buyers or interest in the property other
5 than the Utah DOT, and in that the UDOT Contract provides for a sale price that equals or exceeds
6 appraised valuations of the property;

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

13 3. An order for such additional relief as may be necessary or appropriate to allow the
14 Receiver to effectuate the sale of the 3 Acre Property, including but not limited to entry of an
15 order granting the Motion and authorizing the sale of the 3 Acre Property in form acceptable to the
16 title company insuring title in connection with the sale of the foregoing property.

17 The Motion is made pursuant to 28 U.S.C. § 2001(b) and Local Civil Rules 7-2 and 66-5
18 and other applicable law and is based upon this separate notice of filing of the Motion, the notice
19 of motion and Motion, memorandum of points and authorities and the Declaration of M. Val
20 Miller filed in support hereof, any reply, and upon all other pleadings and documentary evidence
21 as may be presented to the Court by the Receiver.

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23 Dated: August 5, 2016

DIAMOND McCARTHY LLP

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By: /s/ Gary Owen Caris
GARY OWEN CARIS
LESLEY ANNE HAWES
Attorneys for Receiver
**ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**

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