

**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**

**Order Granting Motion for Order:**

- (1) Authorizing Receiver to Sell Houseboat "Animal House" at Public Auction, Approving Terms and Conditions of Sale and Receiver's Engagement of Statewide Auction Company and for Related Relief; and**
- (2) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors**

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11 **ROBB EVANS OF ROBB EVANS &  
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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

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

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

**ORDER GRANTING  
MOTION FOR ORDER:  
(1) AUTHORIZING RECEIVER TO  
SELL HOUSEBOAT "ANIMAL HOUSE"  
AT PUBLIC AUCTION, APPROVING  
TERMS AND CONDITIONS OF SALE  
AND RECEIVER'S ENGAGEMENT OF  
STATEWIDE AUCTION COMPANY  
AND FOR RELATED RELIEF; AND  
(2) GRANTING RELIEF FROM LOCAL  
RULE 66-5 PERTAINING TO NOTICE  
TO CREDITORS**

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25 The matter of the Motion for Order: (1) Authorizing Receiver to Sell Houseboat "Animal  
26 House" at Public Auction, Approving Terms and Conditions of Sale and Receiver's Engagement  
27 of Statewide Auction Company and for Related Relief; and (2) Granting Relief from Local Rule  
28 66-5 Pertaining to Notice to Creditors ("Motion") filed by Robb Evans of Robb Evans &

1 Associates LLC ("Receiver"), the Receiver pursuant to the Court's Preliminary Injunction Order  
2 issued February 10, 2011, came on regularly before the Court for determination, the Honorable  
3 Miranda M. Du, United States District Judge presiding. The Court having reviewed and  
4 considered the Motion and all pleadings and papers filed in support thereof, and good cause  
5 appearing therefor,

6 IT IS ORDERED that:

7 1 The Motion and all relief requested therein is hereby granted;

8 2. Without limiting the generality of the foregoing:

9 A. The Receiver is authorized to sell that certain 1994 Skipperliner 74 foot houseboat  
10 named Animal House, hull number HIN # SGU01661L394 ("Animal House") owned by Orange  
11 Cat Investments LLC and located in Lake Powell, Arizona by public auction;

12 B. The Receiver is authorized to engage the firm of Statewide Auction Company  
13 ("Statewide") as auctioneer to conduct the public auction pursuant to the Statewide Auction  
14 Company Consignment Agreement and Additional Terms ("Auction Contract") attached as  
15 Exhibit 1 to the Declaration of M. Val Miller filed in support of the Motion;

16 C. The Receiver is authorized to pay commissions and other fees from the gross  
17 proceeds of sale in connection with the sale of the Animal House (a) to Statewide, in the amount  
18 of 10% of the gross sales price paid by the purchaser of the Animal House at the public auction in  
19 accordance with the Auction Contract; and (b) to Aramark Sports and Entertainment Services, Inc.  
20 d/b/a Lake Powell Resorts and Marinas ("Marine Broker"), any outstanding moorage fees as of the  
21 date of closing, a \$300 administrative fee and a commission of 1% of the gross sales price paid by  
22 the purchaser of the Animal House;

23 D. The following sale procedures, notice and publication of the sale, and terms and  
24 conditions for the conduct of the public auction of the Animal House ("Sale Procedures") are  
25 hereby approved and the sale and publication procedures of 28 U.S.C. § § 2001, 2002 and 2004 be  
26 modified accordingly:

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1           (1)     The public auction of the Animal House may be conducted at the offices of  
2 Statewide located at 5099 Wheeler Way, Hurricane, Utah, rather than at Wahweap Marina in Lake  
3 Powell, Arizona;

4           (2)     The Receiver is authorized to sell the Animal House at public auction  
5 without reserve but subject to final approval of the sale and the highest bid by the Receiver as  
6 Seller, in his sole discretion;

7           (3)     That all bidders for the purchase of the Animal House shall pre-qualify with  
8 Statewide by providing Statewide a cashier's check in the amount of \$5,000 ("Deposit") and  
9 otherwise comply with, and must perform pursuant to, the Bidder Terms and Additional Terms  
10 (collectively "Sale Terms") attached collectively as Exhibit 3 to the Declaration of M. Val Miller  
11 in support of this Motion, including but not limited to the following:

12                   a.     that the Animal House shall be sold on an "as is, where is" basis  
13 without representations or warranties of any kind, express or implied, as set forth in the Sale  
14 Terms;

15                   b.     that the Animal House shall be sold to the highest bidder at the  
16 auction, subject to final approval of the sale by the Receiver as Seller in his sole discretion, for  
17 payment in cash, certified funds or other immediately available funds, with the successful bidder  
18 to close the sale and remit the balance of the purchase price above the buyer's Deposit within ten  
19 days after the auction;

20                   c.     that Statewide may accept back-up bids for the purchase of the  
21 Animal House in the event that the successful high bidder does not complete the sale;

22                   d.     that if the successful highest bidder fails to timely complete the  
23 purchase of the Animal House, then the successful bidder's Deposit shall be deemed forfeited and  
24 shall be immediately paid to the Receiver;

25           (3)     That Statewide shall provide notice of the auction of the Animal House by  
26 publishing a written notice of the date, time and place of the auction sale at least once a week for  
27 the two weeks preceding the auction sale in the following newspapers: The Spectrum, the Salt  
28 Lake Tribune, and the Lake Powell Chronicle;

1 (4) That the sale of the Animal House in accordance with the Sale Procedures  
2 shall be deemed confirmed without further notice, hearing or order, and the notice of the filing of  
3 the Motion and publication of notice of the sale as set forth in such procedures shall be deemed  
4 sufficient notice to the public and to interested parties pursuant to 28 U.S.C. sections 2001 and  
5 2004;

6 E. Notice of the Motion is deemed to be sufficient under Local Civil Rule 66-5 based  
7 on the service of a notice of the filing of the Motion and the Motion on all parties, and service of a  
8 notice of the filing of the Motion on all known non-consumer creditors of the estate, and on all  
9 known taxing authorities with a potential claim in the receivership estate concurrent with the filing  
10 of the Motion with the Court.

11  
12 Dated: May 13, 2014



13 MIRANDA M. DU  
14 United States District Court Judge