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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**AMERICAN PENSION SERVICES, INC.,
a Utah Corporation and CURTIS L.
DeYOUNG, an individual,**

Defendants.

AMENDED CLARIFYING ORDER

Case No.: 2:14-CV-00309-RJS-DBP

**Judge Robert J. Shelby
Magistrate Judge Dustin B. Pead**

Based on the Receiver's Motion and supporting Memorandum concerning the need to amend this Court's Order Clarifying Order Appointing Receiver, Freezing Assets, and Other Relief entered May 21, 2014 [Dkt. 79] ("Clarifying Order") so as to allow the Receiver to properly execute her duties pursuant to the Court's Order Appointing Receiver, Freezing Assets, and Other Relief entered April 24, 2014 [Dkt. 9], the Court:

DOES HEREBY ORDER, ADJUDGE AND DECREE THAT the last paragraph of the Clarifying Order [Dkt. 79], a copy of which is attached hereto as **Exhibit 1** and incorporated by reference, is hereby amended to read as follows (changes emphasized):

In authorizing the **preceding** types of transactions, the Receiver may further require that account holders maintain or reach a ratio of **10%** cash to asset value following any reinvestments **based on the client's account valuation as recorded on the date the Receiver took over operations of APS, April 25, 2014,** and/or that account holders be permitted to make reallocation investments only after written acknowledgment and agreement of the possible requirement to liquidate some of the self-directed investments to generate cash in the future when a Court approved Plan of Liquidation is implemented.

IT IS SO ORDERED, this ____ day of _____, 2015.

BY THE COURT

Honorable Robert J. Shelby
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct of copy of the foregoing **AMENDED CLARIFYING ORDER** was served to the following this 16th day of January 2015, in the manner set forth below:

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