
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

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

Defendants.

**ORDER FOLLOWING ORAL
RULINGS**

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

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

On November 22, 2016, the court held a hearing on several motions pending in this matter. Mark Gaylord and Melanie Vartabedian appeared at the hearing for the Receiver, Diane Thompson. Amy Oliver appeared for the Securities and Exchange Commission. Daniel Wadley appeared for the United States of America. Benjamin Grindstaff appeared on behalf of Intervenor Michelle DeYoung. Jeffrey Colemere appeared for Intervenor Wrona, Gordon, and DuBois. For the reasons discussed on the record at the hearing, the court ruled as follows:

1. Intervenor Michelle DeYoung's Motion to Enforce Settlement Agreement and Request for Order Assigning Collectibles and Judgments¹ is DENIED without prejudice as moot;
2. Intervenor Franklin American Mortgage Company's Motion to Lift the Freeze Order as to 12231 South 1950 East, Draper, Utah² is GRANTED. The Freeze Order is lifted

¹ Dkt. 762.

² Dkt. 768.

with regard only to this property. Franklin may initiate foreclosure proceedings as it chooses, and Michelle DeYoung is free to negotiate with lenders concerning the property.

3. Intervenor Wrona, Gordon, and DuBois's Motion for Partial Summary Judgment³ is GRANTED in part and DENIED without prejudice in part.
4. The Receiver's Motion for Establishment of Claims Bar Date and Approving Bar Order⁴ is GRANTED with modifications to the proposed Claims Bar Date. That Claims Bar Date shall be December 30, 2016. The Receiver shall provide the notice discussed at the hearing no later than November 30, 2016, and shall file a certification with the court once Notice is complete.
5. The Receiver's Motion for Order of Sale of Real Property⁵ is GRANTED, and the court will enter a separate order proposed by the Receiver reflecting this ruling.
6. The court defers until a time after November 28, 2016 ruling on the Receiver's Motions for Orders Authorizing the Liquidation of Promissory Notes⁶ and Stock.⁷
7. The Receiver's Motions for Interim Compensation⁸ are GRANTED, and the court will enter separate orders reflecting this ruling.

³ Dkt. 771.

⁴ Dkt. 817.

⁵ Dkt. 819.

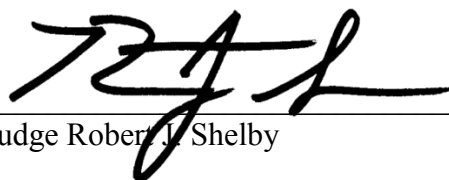
⁶ Dkt. 825.

⁷ Dkt. 826.

⁸ Dkt. 802 and 829.

SO ORDERED this 23rd day of November, 201.

BY THE COURT:



Judge Robert J. Shelby