

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

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

Plaintiff,

v.

JEREMY JOHNSON, *et al.*,

Defendants.

**STIPULATED FINAL ORDER FOR DISGORGEMENT
AS TO RELIEF DEFENDANTS KERRY JOHNSON, BARBARA JOHNSON,
KB FAMILY LIMITED PARTNERSHIP, AND KV ELECTRIC, INC.**

On December 21, 2010, Plaintiff, the Federal Trade Commission (“FTC” or “Commission”) filed a redacted Complaint for permanent injunction and other relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and Section 917(c) of the Electronic Fund Transfer Act (“EFTA”), 15 U.S.C. § 1693o(c), alleging that defendants Jeremy Johnson, IWorks, Inc., and numerous other individuals and corporate entities (collectively, “IWorks Defendants”) engaged in violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), Section 917(c) of EFTA, and Section 205.10(b) of Regulation E (“Reg E”), 12 C.F.R. § 205.10(b), in connection with the marketing and sale of Internet-based products and services.

On February 25, 2013, the Commission filed its First Amended Complaint (“Amended Complaint”) [DE 830], adding allegations that Kerry Johnson, Barbara Johnson and other relief defendants received, or otherwise benefitted from, funds and Assets that are traceable to funds

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1 unlawfully obtained from customers of the IWorks Defendants, and to which the relief
2 defendants have no legitimate claims.

3 The Commission and Kerry Johnson, Barbara Johnson, the KB Family Limited
4 Partnership, and KV Electric, Inc. ("KB Johnson Relief Defendants") have agreed to the entry of
5 and request the Court to enter, this Stipulated Order ("Order") to resolve all matters of dispute in
6 this action between them.
7

8 **THEREFORE, IT IS STIPULATED, AGREED, AND ORDERED**

9 as follows:

- 10 1. This Court has jurisdiction over the subject matter of this case and over the KB Johnson
11 Relief Defendants.
- 12 2. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) and 15 U.S.C. § 53(b).
- 13 3. The activities alleged in the Amended Complaint are in or affecting "commerce," as
14 defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
- 15 4. The Amended Complaint states a claim upon which relief may be granted under Sections
16 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b); under Section 917(c) of
17 EFTA, 15 U.S.C. § 1693o(c); and Reg E, 12 C.F.R. § 205.10(b).
- 18 5. The KB Johnson Relief Defendants admit that they received funds or Assets from the
19 IWorks Defendants that the Amended Complaint alleges were the proceeds of the IWorks
20 Defendants' activities.
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- 22 6. The KB Johnson Relief Defendants have entered into this Order freely and without
23 coercion, and each acknowledges that each has read the provisions of this Order and is
24 prepared to abide by them.
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- 1 7. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that
2 may be provided by law.
- 3 8. The KB Johnson Relief Defendants waive all rights to seek appellate review or otherwise
4 challenge or contest the validity of this Order and waive and release any claim any may
5 have against the Commission, its employees, representatives, or agents, and the Receiver
6 and the Receiver's employees, representatives, or agents.
- 7 9. The KB Johnson Relief Defendants waive any claim that they may have under the Equal
8 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action
9 through the date of this Order, and agree to bear their own costs and attorney fees.
- 10 10. Defendant Jeremy Johnson has surrendered any interest he may have (if any) in all the
11 Assets surrendered by the KB Johnson Relief Defendants under this Order (*see*
12 **Attachment A** to this Order).
- 13 11. This Order is remedial in nature and no portion of any payments paid herein shall be
14 deemed or construed as payment of a fine, damages, penalty, or punitive assessment.
- 15 12. Entry of this Order is in the public interest.

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18 **ORDER**

19 **DEFINITIONS**

20 For the purpose of this Order, the following definitions shall apply:

- 21 1. "Asset" means any legal or equitable interest in, right to, or claim to, any real,
22 personal, or intellectual property including chattel, goods, instruments, equipment, fixtures,
23 general intangibles, effects, leaseholds, contracts, mail or other deliveries, shares or stock,
24 securities, inventory, checks, notes, accounts, credits, receivables (as those terms are defined in
25 the Uniform Commercial Code), insurance policies, lines of credit, cash, trusts (including asset
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1 protection trusts), lists of consumer names and reserve funds or any other accounts associated
 2 with any payments processed by, or on behalf of, any IWorks Defendant or entities that are under
 3 the control of the Receiver pursuant to the Order Granting Motion for Order Clarifying
 4 Preliminary Injunction Order [DE 900] including such reserve funds held by payment
 5 processors, credit card processors, banks or other financial institutions.
 6

7 2. **“Commission”** or **“FTC”** means the Federal Trade Commission.

8 3. **“IWorks Defendants”** means Jeremy Johnson, Ryan Riddle, Scott Leavitt, Bryce
 9 Payne, Loyd Johnston, Duane Fielding, Terrason Spinks, Andy Johnson, Kevin Pilon, Scott
 10 Muir, and the following corporate defendants:

11 1) Anthon Holdings Corp.	32) Internet Economy, Inc.
12 2) Big Bucks Pro, Inc.	33) Internet Fitness, Inc.
13 3) Blue Net Progress, Inc.	34) IWorks, Inc.
4) Blue Streak Processing, Inc.	35) Jet Processing, Inc.
14 5) Bolt Marketing, Inc.	36) JRB Media, Inc.
6) Bottom Dollar, Inc.	37) LifeStyles for Fitness, Inc.
15 7) Bumble Marketing, Inc.	38) Market Funding Solutions, Inc.
8) Business First Inc.	39) Mist Marketing, Inc.
16 9) Business Loan Success, Inc.	40) Money Harvest, Inc.
10) Cloud Nine Marketing, Inc.	41) Monroe Processing, Inc.
17 11) Cold Bay Media, Inc.	42) Net Business Success, Inc.
18 12) Costnet Discounts, Inc.	43) Net Commerce, Inc.
13) CPA Upsell, Inc.	44) Net Discounts, Inc.
19 14) CS Processing, Inc.	45) Net Fit Trends, Inc.
15) Cutting Edge Processing, Inc.	46) Network Agenda, LLC
20 16) Diamond J Media, Inc.	47) Optimum Assistance, Inc.
17) Ebusiness First, Inc.	48) Power Processing, Inc.
18) Ebusiness Success, Inc.	49) Premier Performance, Inc.
22 19) Ecom Success, Inc.	50) Pro Internet Services, Inc.
20) Elite Debit, Inc.	51) Razor Processing, Inc.
21) Employee Plus, Inc.	52) Rebate Deals, Inc.
24 22) Excess Net Success, Inc.	53) Revive Marketing, Inc.
23) Fiscal Fidelity, Inc.	54) Simcor Marketing, Inc.
25 24) Fitness Processing, Inc.	55) Success Marketing, Inc.
25) Funding Search Success, Inc.	56) Summit Processing, Inc.
26 26) Funding Success, Inc.	57) The Net Success, Inc.

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27) GG Processing, Inc.	58) Tranfirst, Inc.
28) GGL Rewards, Inc.	59) Tran Voyage, Inc.
29) Highlight Marketing, Inc.	60) Unlimited Processing, Inc.
30) Hooper Processing, Inc.	61) xCel Processing, Inc.
31) Internet Business Source, Inc.	

4. **“Receiver”** means Robb Evans & Associates, the receiver appointed by the Court’s Preliminary Injunction entered on February 10, 2011 [DE 130].

5. **“KB Johnson Relief Defendants”** means Kerry Johnson, Barbara Johnson, the KB Family Limited Partnership, and KV Electric, Inc.

I.

MONETARY JUDGMENT FOR DISGORGEMENT

IT IS ORDERED that a judgment for disgorgement of the following Assets is entered in favor of the Commission and against the KB Johnson Relief Defendants, jointly and severally, as equitable monetary relief: (1) beach front property in Santa Cruz, California (described as #042-057-14 and 042-057-15 and legal description attached as Attachment B); (2) building lot with a mobile home on it in Lake Isabel, California (mountain lot) (and legal description attached as Attachment C); (3) 115 acres of forest land in Reno, Nevada (and legal description attached as Attachment D); (4) the Fort Pierce Industrial Park Property (and legal description attached as Attachment E); and (5) all Assets of any of the KB Johnson Relief Defendants in the custody, possession, or control of the Receiver, including any precious metals held by the Receiver, and including any of the funds obtained by the Receiver through the liquidation of any Asset of any of the KB Johnson Relief Defendants.

A. Within (5) days of the entry of this Order or before July 31, 2016, whichever is later:

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson; The KB Family Limited Partnership, and KV Electric, Inc.

1 1. The KB Johnson Relief Defendants, individually and on behalf of all other
2 related persons and entities, including P.E.C. Engineering, L.C., reflected on
3 the title of the real and/or personal property described in Attachments B-E to
4 this Order, shall surrender to the Commission all control, title, dominion,
5 claims, and interest in:

6 (a) beach front property in Santa Cruz, California, (Attachment B)

7 (b) building lot with a mobile home on it in Lake Isabel, California (mountain
8 lot), (Attachment C);

9 (c) 115 acres of forest land in Reno, Nevada, (Attachment D); and

10 (d) the Fort Pierce Industrial Park Property (Attachment E), including all
11 fixtures and personal property;

12 2. The KB Johnson Relief Defendants shall surrender to the Receiver or the
13 Receiver's designee all control, title, dominion, claims, and interest in all their
14 Assets (if any) in the custody, possession, or control of the Receiver;

15 3. The KB Johnson Relief Defendants represent that the property they surrender
16 to the Receiver or the Receiver's designee under Paragraph A.1 of this Section
17 is free and clear of any liens or encumbrances, except for any liens for real
18 property taxes for current and past years. The KB Johnson Relief Defendants
19 stipulate that the Commission relied on this representation in negotiating and
20 agreeing to this Order, and that the Commission would not have entered into
21 this Order but for the truthfulness of the KB Johnson Relief Defendants'
22 representation that the surrendered property is free and clear of any liens or
23 encumbrances.
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1 B. To the extent they are not already in the possession of the Receiver, the KB
2 Johnson Relief Defendants and Jeremy Johnson shall deliver possession to the Receiver of the
3 Assets identified in Section I. The KB Johnson Relief Defendants and Jeremy Johnson
4 relinquish dominion and all legal and equitable right, title, and interest in all the Assets
5 surrendered pursuant to this Order and may not seek the return of any surrendered Assets. The
6 KB Johnson Relief Defendants and Jeremy Johnson shall cooperate fully with the Receiver or
7 the Receiver's designee to facilitate the surrender of the Assets under this Order, including
8 executing documents and providing information the Receiver or the Receiver's designee may
9 deem necessary to execute the transfer to a full completion.
10

11 C. The Receiver shall, as soon as practicable, commence the sale of the Assets
12 surrendered pursuant to this Order using a commercially-reasonable procedure. The Receiver
13 shall hold the surrendered Assets, and the proceeds from the sale of these Assets, for future
14 transfer to the Commission in accordance with further instructions from the Court.
15

16 D. The KB Johnson Relief Defendants and Jeremy Johnson shall take all steps
17 necessary to cooperate with and not interfere in any way with the Receiver or the Receiver's
18 designee in the marketing and sale of the KB Johnson Relief Defendants' Assets and shall not
19 add any encumbrances on the KB Johnson Relief Defendants' Assets.
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21 E. The facts alleged in the Amended Complaint will be taken as true, without further
22 proof, in any subsequent civil litigation by or on behalf of the Commission, including in a
23 proceeding to enforce its rights to any payment or surrender of Assets pursuant to this Order,
24 such as a nondischargeability complaint in any bankruptcy case.
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1 F. The facts alleged in the Amended Complaint establish all elements necessary to
2 sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
3 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

4 G. Proceedings instituted under this Section are in addition to, and not in lieu of, any
5 other civil or criminal remedies that may be provided by law, including any other proceedings
6 the Commission may initiate to enforce this Order.

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8 H. Within ten (10) days of the KB Johnson Relief Defendants and Jeremy Johnson's
9 full compliance with Paragraphs A and B of this Section, or within ten (10) days of the IWorks
10 Settling Defendants' full compliance with Section IV.A of the Stipulated Final Order as to
11 Jeremy Johnson and 27 Corporate Defendants, or within ten (10) days of the S. Johnson Relief
12 Defendants and Jeremy Johnson's full compliance with Section I.A-B of the Stipulated Final
13 Order as to Sharla Johnson, Zibby, LLC, Zibby Flight Service, LLC, and Orange Cat
14 Investments, LLC, *whichever comes later*, the Receiver shall transfer \$750,000.00 to
15 Christensen & Jensen, P.C.

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17 I. All Assets or funds ultimately surrendered to the Commission pursuant to this
18 Order and further instructions from the Court may be deposited into a fund administered by the
19 Commission or its designee to be used for equitable relief, including consumer redress and any
20 attendant expenses for the administration of any redress fund. If a representative of the
21 Commission decides that direct redress to consumers is wholly or partially impracticable or
22 money remains after redress is completed, the Commission may apply any remaining money for
23 such other equitable relief (including consumer information remedies) as it determines to be
24 reasonably related to the IWorks Defendants' practices alleged in the Amended Complaint. Any
25 money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement.
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1 The KB Johnson Relief Defendants and Jeremy Johnson have no right to challenge any actions
2 the Commission or its representatives may take pursuant to this Subsection.

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4 **II.**

5 **LIMITED LIFTING OF ASSET FREEZE**

6 **IT IS FURTHER ORDERED** that the Asset freeze imposed by the February 10, 2011
7 Preliminary Injunction Order [DE 130] and the March 25, 2013 Order Granting Motion for
8 Order Clarifying Preliminary Injunction Order [DE 900] (the "Asset Freeze") is modified to
9 permit the payments and transfers required by Section I (Monetary Judgment for Disgorgement)
10 of this Order. Upon completion of the payments and transfers required by Section I of this
11 Order, the Asset Freeze is dissolved as to the KB Johnson Relief Defendants and the Receiver is
12 directed to release any lis pendens the Receiver recorded on any real property owned by the KB
13 Johnson Relief Defendants and P.E.C. Engineering, L.C. The Asset Freeze remains in full force
14 and effect as to all remaining non-settling corporate defendants.

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16 **III.**

17 **ACKNOWLEDGMENT OF RECEIPT OF ORDER**

18 **IT IS FURTHER ORDERED** that each KB Johnson Relief Defendant, within seven (7)
19 days of the entry of this Order, must submit to the Commission an acknowledgment of receipt of
20 this Order sworn under penalty of perjury.

21
22 A. Any submission to the Commission required by this Order to be sworn under
23 penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by
24 concluding: "I declare under penalty of perjury under the laws of the United States of America
25 that the foregoing is true and correct. Executed on: _____" and supplying the date, signatory's
26 full name, title (if applicable), and signature.

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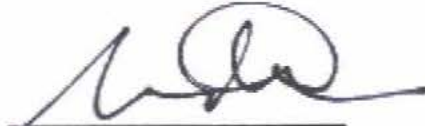
1 B. Unless otherwise directed by a Commission representative in writing, all
2 submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or
3 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement,
4 Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW,
5 Washington, DC 20580. The subject line must begin: *FTC v. Jeremy Johnson, et al*—KB
6 Johnson Relief Defendants, X-11-0011.
7

8 IV.

9 RETENTION OF JURISDICTION

10 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for
11 purposes of construction, modification, and enforcement of this Order.
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15 **SO ORDERED**, this 24th day of August 2016, at 10:50a.m Pacific Daylight Time.

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18 MIRANDA M. DU
19 United States District Judge
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STIPULATED AND AGREED TO BY:

For Relief Defendant Kerry Johnson

Kerry Johnson
Kerry Johnson individually

Date: 5-26-16

For Relief Defendant Barbara Johnson

Barbara Johnson
Barbara Johnson individually

Date: 5/26/16

For Relief Defendant KB Family Limited Partnership

Kerry Johnson
Kerry Johnson as owner and officer of
KB Family Limited Partnership

Date: 5-26-16

For Relief Defendant KV Electric, Inc.

Kerry Johnson
Kerry Johnson as owner and officer of
KV Electric, Inc.

Date: 5-26-16

Date:

Karra J. Porter
Phillip E. Lowry, Jr.
Sara E. Spencer
CHRISTENSEN & JENSEN, P.C.

Kelly H. Macfarlane
KELLY H. MACFARLANE PLLC.
Attorneys for the KB Johnson Relief Defendants

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson;
The KB Family Limited Partnership, and KV Electric, Inc.

1 **STIPULATED AND AGREED TO BY:**

2

3 **For Relief Defendant Kerry Johnson**

4

5 _____
Kerry Johnson individually

Date:

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8 **For Relief Defendant Barbara Johnson**

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10 _____
Barbara Johnson individually

Date:

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12

13 **For Relief Defendant KB Family Limited Partnership**

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15 _____
Kerry Johnson as owner and officer of
KB Family Limited Partnership

Date:

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17 **For Relief Defendant KV Electric, Inc.**

18

19 _____
Kerry Johnson as owner and officer of
KV Electric, Inc.

Date:

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21

22 Karra Porter

Date: 5/26/16

23

24 Karra J. Porter
Phillip E. Lowry, Jr.
Sara E. Spencer
CHRISTENSEN & JENSEN, P.C.

25

26 Kelly H. Macfarlane
KELLY H. MACFARLANE PLLC.
Attorneys for the KB Johnson Relief Defendants

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For Plaintiff Federal Trade Commission:


Colot Guerard
Collot Guerard
J. Ronald Brooke, Jr.
Dotan Weinman
Roberto Anguizola
Jody Goodman
Attorneys for Plaintiff
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mailstop CC-8528
Washington, DC 20580

Date: August 1, 2016

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson;
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ATTACHMENT A

1. My name is Jeremy Johnson and I am a defendant in the litigation styled *FTC v. Jeremy Johnson, et al.* No. 10-cv-2203-MMD (GWF) (D. Nev), and the son of Kerry and Barbara Johnson, who are relief defendants in this litigation.
2. I hereby surrender to Robb Evans & Associates, the Receiver appointed by the Preliminary Injunction entered in *FTC v. Jeremy Johnson, et al.* No. 10-cv-2203-MMD (GWF) (D. Nev) [DE 130], and relinquish any interest I may have (if any), in the (1) beach front property in Santa Cruz, California (described in Attachment B); (2) building lot with a mobile home on it in Lake Isabel, California (mountain lot) (described in Attachment C); (3) 115 acres of forest land in Reno, Nevada (described in Attachment D); (4) the Fort Pierce Industrial Park Property (described in Attachment E); and (5) all Assets in the custody, possession, or control of the Receiver, including any precious metal held by the Receiver, and including any of the funds obtained by the Receiver through the liquidation of any Asset of Kerry Johnson, Barbara Johnson, the KB Family Limited Partnership, and KV Electric, Inc. (the "KB Johnson Relief Defendants").
3. I commit not to seek the return of any of the Assets listed in Paragraph 2.
4. I will cooperate fully with the Receiver or the Receiver's designee to facilitate the surrender of the assets under the Stipulated Final Order for Disgorgement as to Relief Defendants Kerry Johnson, Barbara Johnson, the KB Family Limited Partnership, and KV Electric, Inc. (the "KB Johnson Disgorgement_Order"), including executing documents and providing information the Receiver or the Receiver's designee may deem necessary to execute the transfer to a full completion.
5. I will take all steps necessary to cooperate with and not interfere in any way with the Receiver or the Receiver's designee in the marketing and sale of the Assets transferred to the Receiver under the S. Johnson Disgorgement Order and will not add any encumbrances on these Assets.
6. I hereby acknowledge that my Social Security Number, which I previously submitted to the Commission and the Receiver, may be used for collecting and reporting on any delinquent amount arising out of the KB Johnson Disgorgement Order, in accordance with 31 U.S.C. § 7701.
7. I hereby commit not to challenge any actions the Federal Trade Commission or its representatives may take pursuant to the KB Johnson Disgorgement Order.



Jeremy D. Johnson

Date: *May 23, 2016*

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson;
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ATTACHMENT B

Real property in the unincorporated area of the County of Santa Cruz, State of

California, described as follows:

TRACT ONE:

LOT EIGHTEEN (18) IN BLOCK FORTY (40) AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED, "MAP OF SUBDIVISION NO. 2 APTOS BEACH COUNTRY CLUB PROPERTIES, APTOS, SANTACRUZ COUNTY, CALIFORNIA", FILED FOR RECORD AUGUST 20, 1925, IN MAP BOOK 23, MAP NO. 4, SANTA CRUZ COUNTY RECORDS.

Parcel No. 04205714

TRACT TWO:

BEING LOT 19 IN BLOCK 40, AS THE SAME IS SHOWN AND DESIGNATED ON THAT CERTAIN MAP ENTITLED, "MAP OF SUBDIVISION NO. 2 APTOS BEACH COUNTRY CLUB PROPERTIES, APTOS, SANTACRUZ COUNTY, CALIFORNIA", FILED FOR RECORD AUGUST 20, 1925, IN MAP BOOK 23, MAP NO. 4, SANTA CRUZ COUNTY RECORDS.

Parcel No. 0420571

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ATTACHMENT C

Address of 8504 Fremontia Way, South Lake, California further described as

follows:

Lot 71 of Tract 3176 in the unincorporated area of the County of Kern, State of California.

APN. 425-222-17-00-5

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson;
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ATTACHMENT D

The land referred to herein is situated in the State of California, County of PLUMAS, in an unincorporated area, described as follows:

THAT PATENTED PLACER MINING CLAIM KNOWN AS OLD CATALINA CLAIM DESCRIBED IN THE PATENT, RECORDED IN BOOK 10 OF PATENTS, PAGE 96 AND 97, AS FOLLOWS:

Township 22 NORTH RANGE 7 EAST, M.D.M.,

SECTION 25:

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4.

SECTION 36: THE NW 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4.

EXCEPTING THEREFROM ANY VEINS OR LODES OF QUARTZ, OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER, OR OTHER VALUABLE DEPOSITS WITHIN THE LAND ABOVE DESCRIBED WHICH MAP HAVE BEEN DISCOVERED OR KNOWN TO EXIST ON OR PRIOR TO JANUARY 22, 1951.

TOGETHER WITH A 60 FOOT RIGHT OF WAY FOR ROAD PURPOSES AS RESERVED IN THE DEED FROM A. SPECKERT, SR. ET UX RECORDED FEBRUARY 14, 1963 IN BOOK 161 PAGE 209 OF OFFICIAL RECORDS OF PLUMAS COUNTY.

APN: 003-150-001-000

Stipulated Final Disgorgement Order as to Kerry Johnson, Barbara Johnson; The KB Family Limited Partnership, and KV Electric, Inc.

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ATTACHMENT E

Lot 6, FORT PIERCE INDUSTRIAL PARK, according to the official plat thereof, records of Washington County, Sate of Utah.

Less and Excepting Therefrom the following described parcel as conveyed to FIREHOLE HOLDINGS, LLC, a Montana Limited Liability Company by Warranty Deed recorded July 21, 2011, as DOC. No. 20110022056, Official Washington county Records, and more particularly described as follows:

A Portion of Lot 6, FORT PIERCE INDUSTRIAL PARK, more particularly described as follows:

Beginning at the Northwest Corner of Lot 6, FORT PIERCE INDUSTRIAL PARK, as recorded in the Official Records of the Washington County Recorder's Office, said point being common with the Northeast Corner of Lot 207 of CLASSIC CONTRACTORS PARK AT FORT PIERCE, and being North 88 degrees 47' 32" West 583.25 feet along the Section line from the East quarter Corner of Section 17, Township 43 South, Range 15 West, Salt Lake Base and Meridian and running then South 1 degree 26' 50" East 213.00 Feet to a point on the North boundary line of said Lot 6; thence North 88 degrees 48' 11" West 15.00 feet along the boundary line to the point of beginning.

Parcel No. SG-FIP-6-A