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

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COMMODITY FUTURES TRADING  
COMMISSION, and

STATE OF UTAH DIVISION OF  
SECURITIES, through Attorney General  
Sean D. Reyes

Plaintiffs,  
v.

RUST RARE COIN INC., a Utah corporation,  
and GAYLEN DEAN RUST, an individual,  
DENISE GUNDERSON RUST, an individual,  
JOSHUA DANIEL RUST, an individual,

Defendants;

and

ALEESHA RUST FRANKLIN, an individual,  
R LEGACY RACING INC, a Utah  
corporation, R LEGACY ENTERTAINMENT  
LLC, a Utah limited liability company, and R  
LEGACY INVESTMENTS LLC, a Utah  
limited liability company.

Relief Defendants.

**RULE 60 MOTION TO CORRECT  
ORDER**

Civil No. 2:18-cv-00892-TC

Honorable Tena Campbell

Magistrate Judge Dustin Pead

Pursuant to Rule 60 of the Federal Rules of Civil Procedure, Jonathan O. Hafen, the Court-Appointed Receiver (the “Receiver”) for the assets of Rust Rare Coin, Inc., Gaylen D. Rust, Denise G. Rust, and Joshua D. Rust, Aleesha Rust Franklin, R Legacy Racing Inc., R Legacy Entertainment LLC, and R Legacy Investments LLC (collectively, the “Receivership Defendants”), hereby submits this Rule 60 Motion to Correct Order.

#### RELIEF REQUESTED AND GROUNDS

On July 9, 2021, the Receiver filed a Motion for Hearing to Confirm Private Sale of Property Related to 2815 W. Gordon Avenue in Layton, Utah, Dkt. No. 417 (the “Sale Motion”). The Sale Motion sought approval to sell certain real property located in Layton, Utah, along with “four shares of Davis & Weber Counties Canal Company water stock” (the “Water Shares”) that are titled in the name of Denise G. Rust, as Trustee of R Legacy Ranch Trust. Sale Motion, p. 2. Exhibit A to the Sale Motion included a copy of the Real Estate Purchase Contract For Land that also indicated that the property being sold included real property and “four (4) shares of Davis & Weber Counties Canal Company water stock.” Sale Motion, Exhibit A, ¶1.1.

On September 8, 2021, the Court entered an Order granting the Sale Motion and approving the sale of the “Property”--which was defined in the Sale Motion to include the real property and the Water Shares, Dkt. No. 423 (the “Sale Order”).

Despite the language in the Sale Motion and Sale Order, the Davis & Weber Counties Canal Company (the “Canal Company”) is reluctant to transfer the Water Shares to the buyer because the Sale Motion and Sale Order does not identify the Receiver as the receiver for the assets of R Legacy Ranch Trust, the owner of the Water Shares, or otherwise specifically identify the Water Shares to be sold. Without the transfer of the Water Shares to the buyer, the \$1,600,000 sale of property that the Court approved in the Sale Order cannot close.

The Receiver files this motion requesting that the Court amend the Sale Order to state that that the Davis and Weber Counties Canal Company shares identified as Certificate No. 13697 in the name of Denise G. Rust as Trustee of the R Legacy Ranch Trust are to be sold by the Receiver. A copy of share certificate no. 13697 is attached hereto as Exhibit A.

#### ARGUMENT

Under Rule 60 of the Federal Rules of Civil Procedure, the Court “may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record . . . [and] may do so on motion or on its own, with or without notice.”

The failure of the Receiver to include the specific share certificate number for the Water Shares was an oversight. The Receiver respectfully requests that the Court modify the Sale Order to reference the specific share certificate number 13697, so the Receiver can close on the sale contemplated by the Sale Motion.

#### CONCLUSION

For the reasons set forth above, the Receiver respectfully requests that the Court enter an order clarifying that the Water Shares the Receiver is selling under the Sale Motion are identified as share no. 13697.

A proposed Order is attached hereto.

DATED this 24th day of September 2021.

**PARR BROWN GEE & LOVELESS**

/s/ Cynthia D. Love  
Joseph M.R. Covey  
Cynthia D. Love

*Attorneys for Receiver Jonathan O. Hafen*

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the above **RECIEVER'S REPLY TO OBJECTIONS REGARDING THE SALE OF RUST RARE COIN INC. INVENTORY** was (1) electronically filed with the Clerk of the Court through the CM/ECF system on September 24, 2021, which sent notice of the electronic filing to all counsel of record; (2) posted on the Receiver's website (rustrarecoinreceiver.com); and (3) emailed to all those on the master mailing matrix maintained by the Receiver.

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*/s/ Cynthia D. Love* \_\_\_\_\_