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FILED

APR - 4 1979

CARL M. OLSEN, Clerk
BY JOSEPH RASCH-CHABOT
Deputy Clerk

Attorneys for ROBERT H. FABIAN
As Receiver for PEOPLE'S TEMPLE
OF THE DISCIPLES OF CHRIST

SUPERIOR COURT OF CALIFORNIA, CITY & COUNTY OF SAN FRANCISCO

10 PEOPLE'S TEMPLE OF THE)
11 DISCIPLES OF CHRIST)
12) Petitioner,)
13 v.)
14 THE ATTORNEY GENERAL OF)
15 CALIFORNIA,)
16) Respondent.)

No. 746571

ORDER AUTHORIZING AND ORDERING
EXPENDITURE OF TEMPLE FUNDS FOR
REMOVAL AND INTERMENT OF BODIES
REMAINING AT DOVER, DELAWARE

17 On the 26th day of February, 1979, the plan (the "Plan")
18 proposed by the Emergency Relief Committee ("ERC"), Amicus Curiae
19 herein, for the transportation from Dover, Delaware to California
20 and interment of the unclaimed bodies of those individuals who
21 died at Jonestown, Guyana, on November 18, 1978, (the "bodies")
22 was heard by the Court.

23 All parties to this proceeding were given notice and
24 an opportunity to be heard. Benjamin Dreyfus appeared for
25 Petitioner, Peoples Temple of the Disciples of Christ, a
26 California nonprofit corporation ("Peoples Temple"), Yeoryios C.
27 Apallas appeared for Respondent, Attorney General of the State of
28 California, John Eshleman Wahl and George Cabaniss appeared for

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1 ERC, Miles A. Cobb appeared for Robert H. Fabian, the Receiver
2 ("Receiver"), who was also present, and Alan J. Cilman,
3 Craig Needman, Michael Berger, Maja Hanks, Robert Tarver,
4 Kenneth Ackerman, Ken Davidson, and William Kaufmann appeared
5 for the various claimants. James G. Bruen, Jr., representing the
6 United States Department of Justice, and Carmen A. DePlacido
7 representing the United States Department of State, appeared
8 specially for the limited purposes of this hearing.

9 The Court heard presentations by each counsel present
10 at the hearing. Thereafter, all counsel agreed and stipulated in
11 open Court that the matter be submitted to and decided by the
12 Court on the basis of the arguments and representations made at
13 the hearing.

14 Upon consideration of the Plan and matters brought to
15 the attention of the Court at the hearing, upon finding that the
16 following order is consistent with the charitable purposes of
17 Peoples Temple, and GOOD CAUSE APPEARING THEREFOR:

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

19 1. Receiver is ordered and authorized to accept the bid
20 of Larmore Moving Systems, dated February 12, 1979, to transport
21 the bodies from Dover Air Force Base, Dover, Delaware to several
22 points in California, and to pay from the assets of Peoples Temple
23 the total cost not to exceed \$55,440.

24 2. Receiver is ordered and authorized to pay from assets
25 of Peoples Temple the cost of burying the bodies which the
26 United States Government has been unable to identify together with
27 those bodies which have been identified but which the next-of-kin
28 have authorized the United States Government to dispose of, two

1 bodies to each grave, at either Skylawn Memorial Park, San Mateo,
2 California, at a price of \$560.70 for two bodies in each double
3 depth interment, or at Daphne Fernwood Cemetery, Mill Valley,
4 California, at a price of \$495.80 for two bodies in each double
5 depth interment, or any other cemetery in the San Francisco Bay
6 Area which is willing to bury some or all of the bodies
7 comparable price.

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8 3. Receiver, in consultation with ERC, is hereby ordered
9 and authorized to coordinate the arrival of the bodies in California,
10 including the transportation of the bodies described in paragraph 2
11 above to the cemetery or cemeteries selected, by Receiver, up to
12 50 identified bodies to be shipped to destinations in Los Angeles,
13 California, selected by next-of-kin, up to 50 identified bodies
14 to be shipped to destinations in Ukiah, California, selected by
15 next-of-kin, and the remaining identified bodies to be shipped to
16 the Oakland Army Base as hereinafter provided. The bodies are not
17 to be transported cross-country by caravan.

18 4. Receiver is ordered and authorized, subject to approval
19 by the United States Army, to have those identified bodies which
20 are not transported to Los Angeles or Ukiah, transported to the
21 Oakland Army Base, Oakland, California, to be held there for a
22 period of thirty (30) days (or such longer period as Receiver deems
23 necessary) for purposes of removal by next-of-kin, and to reimburse
24 each relative who claims and removes a body from the Oakland Army
25 Base a sum of \$540 or the actual cost of burial, whichever is less;
26 provided, that Receiver obtains from each relative who removes an
27 identified body and claims reimbursement therefor a statement under
28 penalty of perjury that such relative is unable to and does not have

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1 the assets or resources necessary to pay for the burial of their
2 deceased relative; and provided, further, that such next-of-kin
3 shall agree with Receiver and (a) grant to Receiver a lien and
4 first claim on any cause of action which such relative may have
5 against Peoples Temple for recovery of amounts paid by Receiver to
6 such relative for burial of a body or bodies, and (b) assign to
7 Receiver any claim which such relative may have against the Social
8 Security Administration or the Veterans Administration for the cost
9 of burial of a body or bodies.

10 5. Receiver is hereby granted a lien and first claim on
11 and against all assets of former members of Peoples Temple whose
12 bodies are transported and buried in the amount equal to the assets
13 of Peoples Temple expended by Receiver pursuant hereto.

14 6. Receiver is ordered and authorized, to cause the removal
15 from the Oakland Army Base of all identified bodies which are not
16 claimed by relatives within the time prescribed in paragraph 4
17 above after such bodies arrive at the Oakland Army Base and treat
18 such bodies as unidentified in accordance with the provisions of
19 paragraph 2 above.

20 7. Receiver is not authorized to expend assets of Peoples
21 Temple for the cost of any funeral services. ERC may arrange
22 appropriate services after the bodies are buried, without cost to
23 this receivership.

24 8. If any relative of a deceased person whose body is
25 remaining at Dover Air Force Base desires for the body to be
26 cremated, and such cremation is performed in the State of Delaware,
27 Receiver is authorized and empowered to expend assets of Peoples
28 Temple up to the amount of \$540 for each body, or the actual cost

1 of cremation, whichever is less, subject to receipt from the
 2 next-of-kin of a perjury statement and agreement referred to in
 3 paragraph 4 above, for the purpose of performing such cremation,
 4 and Receiver is authorized and directed to thereafter expend assets
 5 of Peoples Temple for the cost of transporting the ashes of such
 6 bodies to California and delivery to next-of-kin.

7 9. Receiver is not authorized to reimburse any person for
 8 the cost of transporting and burying bodies of persons who died
 9 in Jonestown, Guyana on November 18, 1978 who has already incurred
 10 the expense of so doing, without prejudice to those persons
 11 claiming reimbursement for those costs as general claims against
 12 the Peoples Temple.

13 10. This Order, and each provision hereof, is expressly
 14 conditioned upon Receiver obtaining an agreement with the United
 15 States of America, on such terms and conditions as are satisfactory
 16 to Receiver, pursuant to which the United States will waive any
 17 claim to priority with respect to expenditures made by Receiver
 18 from assets of Peoples Temple for the purpose of carrying out this
 19 order, and a further agreement by the United States that it will
 20 not assert against Receiver any personal liability for making
 21 such expenditures.

22 11. Receiver is ordered and authorized to pay from assets
 23 of Peoples Temple additional sums aggregating not more than
 24 \$20,000 for costs not expressly provided for herein but necessary
 25 or desirable to accomplish the purpose of this order.

26 Done in Open Court the 29th day of March, 1979, and
 27 signed this 4th day of April, 1979.

28 **IRA A. BROWN, JR.**

IRA A. BROWN, Judge of
 the Superior Court

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