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7 As Receiver for PEOPLES TEMPLE  
8 OF THE DISCIPLES OF CHRIST

ENDORSED  
**FILED**

San Francisco County Superior Court  
FEB 1 1979

CARL M. OLSEN, Clerk  
BY MICHAEL H. RICHARDSON  
Deputy Clerk

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

11 PEOPLES TEMPLE OF THE )  
12 DISCIPLES OF CHRIST )

13 Petitioner, )

14 v. )

15 THE ATTORNEY GENERAL OF )  
16 CALIFORNIA, )

17 Respondent. )

NO. 746571 (~~PROPOSED~~) IAB

ORDER SPECIFYING DUTIES  
AND POWERS OF ROBERT H.  
FABIAN AS RECEIVER OF  
PEOPLES TEMPLE

18 On January 26, 1979, this Court took jurisdiction over  
19 the winding up and dissolution of Peoples Temple of the Disciples  
20 of Christ, a California non-profit corporation ("Peoples Temple"),  
21 pursuant to the provisions of §§1904 and 9801 of the California  
22 Corporations Code. On the same day, the court appointed Robert  
23 H. Fabian, Esq., as Receiver ("Receiver") for Peoples Temples,  
24 pursuant to the provisions of §§1904 and 1803 of the California  
25 Corporations Code.

26 On February 1, 1979, the court brought on for further  
27 hearing, on its own motion, the appointment of Receiver for the  
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1 purposes of further defining the powers and duties of Receiver  
2 and other related matters. All interested parties were given  
3 notice and an opportunity to be heard.

4 After considering the arguments of counsel and the  
5 testimony of Receiver, the court finds that certain additional  
6 orders are necessary to assist Receiver and interested parties in  
7 the winding and dissolution of Peoples Temple. With respect to  
8 the following orders, the terms hereof shall govern, to the  
9 extent that they may differ from the Court's order assuming  
10 jurisdiction of the winding up of Peoples Temple filed and  
11 entered on January 26, 1979.

12 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED  
13 that pending further Court order:

14 1. Receiver is empowered and hereby directed to enter  
15 upon and take possession of all property of whatsoever nature and  
16 description of Peoples Temple, whether real or personal, for the  
17 purpose of preserving and disposing thereof in the course of the  
18 orderly winding up and dissolution of the corporation. All other  
19 persons are hereby ordered to deliver forthwith to Receiver all  
20 property of Peoples Temple of whatsoever nature and description  
21 now in their possession or under their control; and all persons  
22 are hereby enjoined and restrained from in any way interfering  
23 with the exclusive possession and control by Receiver of said  
24 property of Peoples Temple, and from selling, concealing,  
25 encumbering, transferring or otherwise disposing of or affecting  
26 any of said property.

1           2.     In discharging his obligation as stated above,  
2 Receiver is hereby empowered to take all steps reasonably  
3 necessary to discover, inventory, maintain, preserve and dispose  
4 of all property of whatsoever nature and description of Peoples  
5 Temple, whether real or personal, including but not limited to  
6 all of the following:

7           A.     Employ legal counsel, including legal counsel in  
8 Guyana, Panama, Switzerland, and/or such other jurisdictions as  
9 the Receiver may from time to time deem necessary and advisable,  
10 and such clerical, administrative and other assistants, including  
11 accountants, appraisers and investigators, as may be reasonably  
12 necessary to carry out all of Receiver's duties, and to incur and  
13 pay all reasonable expenses, including reasonable fees and  
14 salaries, incurred with respect to the employment of legal  
15 counsel and staff;

16           B.     Open and maintain a bank account against which  
17 checks and drafts necessary to pay the day to day costs of ad-  
18 ministration, as more particularly described herein, may be  
19 drawn; provided, however, that the balance of said account may  
20 not exceed the sum of \$75,000 without further order of this  
21 Court;

22           C.     Lease office space and purchase and/or lease such  
23 office equipment and supplies as Receiver may deem necessary and  
24 advisable in the performance of his duties;

25           D.     Open and maintain bank accounts, safe deposit  
26 boxes and make whatever similar arrangements may be necessary to  
27 hold and receive assets of Peoples Temple pending the ultimate  
28 disposition thereof;

1           E.    Collect and receive all rents, issues, debts,  
2 income and profits, all outstanding accounts, things in actions  
3 and credits due or to become due to Peoples Temple and hold and  
4 retain all monies thus received to the end that the same may be  
5 applied under this and further orders of this Court; except as  
6 otherwise provided in this order, all such monies may be invested  
7 in interest-bearing certificates of deposit or obligations of the  
8 federal government;

9           F.    Take possession of all books, records, and  
10 writings of all kinds relating to Peoples Temple which are in the  
11 custody or control of any and all agents of Peoples Temple and  
12 their attorneys;

13           G.    Require any and all persons subject to the juris-  
14 diction of this Court to appear, give testimony and produce  
15 pertinent records for inspection by Receiver, pursuant to  
16 duly-authorized subpoenas of this Court and in accordance with  
17 the provisions of §§1985-1997 of the California Code of Civil  
18 Procedure;

19           H.    Insure the property of Peoples Temple in such  
20 manner and such extent as Receiver in his discretion may deem  
21 necessary and advisable;

22           I.    Pay and discharge out of any funds now or here-  
23 after coming into Receiver's hands, all expenses reasonably  
24 necessary and lawfully incurred by Receiver in performing its  
25 duties; provided, however, that further order of court shall be  
26 required for the payment of any single expense, other than  
27 compensation paid to such clerical, administrative and other  
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1 assistants as may be employed under paragraph 2A, above, in  
2 excess of the sum of \$5,000;

3 J. Sell, by public or private sale, for good and  
4 sufficient consideration, any personal property of Peoples Temple  
5 not exceeding \$5000 in value, without further order of this  
6 Court, if Receiver deems such to be necessary and advisable under  
7 the circumstances;

8 K. Collect all debts, claims, demands, choses in  
9 action now known or hereafter discovered which are owing to  
10 Peoples Temple and take all further steps necessary to collect  
11 such debts, including but not limited to, the prosecution of  
12 legal actions in his own name as Receiver to this end;

13 L. Defend in his own name as Receiver all claims and  
14 lawsuits on file, or which may be filed, against Peoples Temple,  
15 the Receiver, or agents of Receiver in the course and scope of  
16 performing Receiver's duties; Receiver is hereby further specific-  
17 ally empowered to appear in his own name as Receiver on behalf of  
18 Peoples Temple in that certain case entitled United States v.  
19 Peoples Temple, No. C 790126 LHB (United States District Court,  
20 Northern District of California);

21 M. Take all steps and actions reasonably necessary  
22 for the operation and maintenance of any and all businesses and  
23 properties heretofore operated by Peoples Temple, wherever  
24 located, pending the orderly inventory and disposition thereof;

25 N. Borrow, on behalf of Peoples Temple, such funds as  
26 may be reasonably necessary to continue the operations of any and  
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1 all such businesses and/or to make any and all disbursements  
2 listed above; provided, however, that further order of Court  
3 shall be required for Receiver to borrow funds in excess of the  
4 sum of \$5,000 in any one or more borrowings;

5 O. Pay and discharge out of any funds now or  
6 hereafter coming into Receiver's hands, all taxes and similar  
7 charges lawfully incurred in the operation of any and all  
8 businesses and properties of Peoples Temple, wherever located,  
9 and the preservation and maintenance of the property thereof;  
10 and

11 P. Apply to this Court, on proper petition, for  
12 whatever additional powers may be necessary for Receiver to  
13 discharge its obligation in an orderly and efficient manner.

14 3. Receiver shall review, investigate and determine  
15 the sufficiency and merits of all claims filed with Receiver in  
16 accordance with the Court's order of January 26, 1979.

17 4. With respect to all claims which Receiver deter-  
18 mines should not be recognized, and in accordance with the  
19 foregoing, Receiver is expressly empowered to defend any and all  
20 legal actions which may be filed to determine the validity  
21 thereof.

22 5. Receiver is further hereby directed to submit to  
23 this Court, within ninety days of the date hereof, a written  
24 report listing all assets of Peoples Temple as have been in-  
25 ventoried by Receiver as of that date, along with a list of all  
26 claims which have been filed in accordance with the Court's order  
27 of January 26, 1979. Beginning on a date six months from the  
28 date of this order, and every six months thereafter, until

1 further order of this Court, Receiver shall also submit to this  
2 Court an updated list of the assets of and claims against Peoples  
3 Temple, as well as an accounting with respect to any assets sold  
4 or otherwise disposed of by Receiver, and also make whatever  
5 additional comments and observations Receiver believes should  
6 properly be brought to the Court's attention in the orderly  
7 winding up and dissolution of the corporation. Further, for each  
8 bi-monthly period commencing on or about April 1, 1979, Receiver  
9 shall petition this Court for payment of reasonable compensation  
10 to Receiver, including reasonable disbursements, from the assets  
11 of Peoples Temple, for the two-month period preceding each such  
12 bi-monthly petition, and such fees and disbursements as approved  
13 by this Court shall constitute a priority claim entitled to  
14 immediate payment from the assets of Peoples Temple.

15 Done in open court this 1st day of February, 1979,  
16 and signed this 1st day of February, 1979.

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18 IRA A. BROWN, JR.  
19 Judge of the Superior Court  
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