

1 CHARLES R. GARRY, ESQ.
 2 GARRY, DREYFUS, McTERNAN, BROTSKY,
 3 HERNDON & PESONEN, INC.
 4 1256 MARKET STREET AT CIVIC CENTER
 5 SAN FRANCISCO, CALIFORNIA 94102
 6 TEL: 864-3131

7 Attorneys for Petitioner

FILED

San Francisco County Superior Court

JAN 26 1979

CARL M. OLSEN, Clerk

BY *[Signature]*
 Deputy Clerk

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 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

ORDER *Assuming Jurisdiction*
of WINDING UP OF
PEOPLES TEMPLE

18 The petition of Peoples Temple of the Disciples of
 19 Christ, a California non-profit corporation ("petitioner") for
 20 supervision by this Court of the voluntary winding up and
 21 dissolution of Peoples Temple of the Disciples of Christ came on
 22 regularly for hearing by this Court on this date. The Attorney
 23 General appeared by Yeoryios Apallas, Esq., Deputy Attorney
 24 General, and Peoples Temple appeared by counsel, Charles R. Garry
 25 and Benjamin Dreyfus. Claimants against Peoples Temple appeared
 26 by Marvin Lewis, Esq., Shawn Steel, Esq., Kent A. Davidson, Esq.,

1 Alan Cilman, Esq., and Craig Needham, Esq. Emergency Relief
2 Committee, Amicus Curiae, appeared by John Wahl, Esq., and George
3 H. Cabannis, Esq.

4 Upon proof made to the satisfaction of the Court that the
5 petition should be granted, the Court hereby takes jurisdiction of
6 the winding up and dissolution of Peoples Temple of the Disciples
7 of Christ, a California non-profit corporation, pursuant to
8 §§ 1904 and 9801 of the Corporations Code and

9 IT IS ORDERED:

10 1. Notice to creditors shall be published not less than
11 once a week for three consecutive weeks in the Recorder, a news-
12 paper of general circulation printed and published in the City and
13 County of San Francisco, California, and one time each in the
14 San Francisco Chronicle, the San Francisco Examiner, the Los
15 Angeles Times, and the Ukiah Daily Journal, and a copy of such
16 notice shall be mailed to each person shown as a creditor or
17 claimant by the records of Peoples Temple, or as appear from the
18 records of this Court, at his or her last known address. Such
19 notice may be made forthwith and shall be sufficient if it is
20 substantially in the form attached as Exhibit A hereto. A sug-
21 gested sample claim form may accompany each notice to be served
22 or mailed, but the form need not be published.

23 2. All persons having or making claims or demands against
24 Peoples Temple, whether such claims or demands be due or not yet
25 due, contingent or unliquidated, or sounding only in damages, file
26 their claims with the proof thereof with Robert H. Fabian, Esq.,

CHARIT. DIRECTUS, McTERNAN, BROTSKY,
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1 220 Bush Street, San Francisco, California 94104, within four
2 months after the first publication of the notice herein specified,
3 or be barred from participation in any distribution of the general
4 assets of Peoples Temple if they fail to make and present claims
5 and proofs within the time herein specified.

6 3. Any withdrawal or expenditure of any funds of Peoples
7 Temple, whether for payment of claims, demands, debts, or other
8 purposes, shall require the prior express written authorization of
9 this Court.

10 4. Pending further order of this Court, the following
11 actions, and all other legal actions by or against petitioner, are
12 stayed as to petitioner:

- 13 (a) Cobb v. Peoples Temple, et al.,
San Francisco Superior Court No. 739907
- 14 (b) Medlock v. Jones, et al.,
15 Los Angeles Superior Court No. C243292
- 16 (c) Katsaris v. Jones, et al.,
17 Mendocino Superior Court No. 39911
- 18 (d) Peoples Temple, et al. v. Stoen,
San Francisco Superior Court No. 740531
- 19 (e) Snyder, et al. v. Peoples Temple,
20 Mendocino Superior Court No. 40049
- 21 (f) Lewis v. Peoples Temple, et al.,
San Francisco Superior Court No. 747250
- 22 (g) Norwood, et al. v. Peoples Temple,
23 San Francisco Superior Court No. 747251
- 24 (h) Ryan v. Peoples Temple,
San Francisco Superior Court No. 748417

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- 1 (i) Bordenave v. Peoples Temple
Los Angeles Superior Court No. C269968
- 2
- 3 (j) Holmes v. Peoples Temple
San Francisco Superior Court No. 748470
- 4
- 5 (k) United States v. Peoples Temple,
U.S. District Court, Northern District of
California, No. C790126 LHB
- 6
- 7 (l) Hall v. Peoples Temple,
Los Angeles Superior Court No. C268099
- 8
- 9 (m) Robinson v. Peoples Temple,
Los Angeles Superior Court

9 The parties to these actions are hereby ordered to
10 present their claims in the manner required of creditors, but not
11 later than four months after the first publication of the notice
12 to creditors and prove their claims in the manner required of
13 other creditors. Petitioner is hereby ordered to serve a copy
14 of this order on all parties or their attorneys of record in the
15 above referenced actions forthwith and to file a copy of this
16 order in each of the actions stayed.

17 5. The Court takes judicial notice of the extraordinary
18 and unprecedented circumstances requiring the filing of the said
19 petition, which included multiple deaths in Jonestown, Guyana.
20 Many of those decedents left relatives resident within the juris-
21 diction of the Court. By reason thereof, Emergency Relief
22 Committee, an unincorporated non-profit association composed of
23 representatives of the San Francisco Council of Churches, the
24 Northern California Board of Rabbis, and the Roman Catholic
25 Archdiocese of San Francisco, which Committee appears herein
26 as amicus curiae by prior order of the Court, is hereby authorized

1 and directed as follows:

2 To submit to the Court, as soon as Committee may reason-
3 ably do so but not later than 30 days from this order, a plan for
4 the transport and interment, or other suitable disposition, of the
5 bodies of those who died at Jonestown, Guyana including the
6 unidentified bodies, the said plan to include an estimate of the
7 costs and expenses thereof and to recommend whether, and if so
8 in what proportion, the said costs and expenses should be reim-
9 bursed from assets of Peoples Temple, upon proper proof of indebt-
10 ness for or payment of the said costs and expenses. The said
11 plan may be brought on for consideration, hearing and possible
12 approval by the Court, if the plan be deemed reasonable by the
13 Court, upon 10 days notice in writing to the parties to the pro-
14 ceeding, and to all attorneys who have entered appearance in this
15 proceeding, and by posting notice in the manner required of
16 ordinary notices by the Probate Code,

17 6. Any and all charitable organizations, exempt from
18 taxation under § 501(c)(3) of the Internal Revenue Code, which
19 desire to be named as the distributee of the assets of Peoples
20 Temple, pursuant to the winding up and dissolution of Peoples
21 Temple under Corporations Code § 9801, shall file with the Court
22 and with the Office of the California Attorney General--Charitable
23 Trust Unit, on or before September 30, 1979, a written proposal
24 for maintenance, operation and utilization of the Peoples Temple
25 assets in a manner consistent with the terms of the trust. All
26 said organizations shall, in addition, file a current financial

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1 statement, signed and verified by an officer, director, or trustee
2 of the organization under penalty of perjury, demonstrating the
3 financial ability of said organization to carry out its proposed
4 plan of operation. Failure of any organization to hold a 501(c)(3)
5 exemption and/or to file the above-required proposal and financial
6 statement shall preclude any distribution of Peoples Temple assets
7 to said organization.

8 7. The Office of the California Attorney General is
9 instructed to investigate and audit, to the full extent deemed
10 necessary by the Office of the California Attorney General, all
11 organizations, including the directors, officers and members
12 thereof, applying for distribution of any Peoples Temple assets
13 attendant to this proceeding. The Office of the California
14 Attorney General shall submit to the Court, on or before
15 December 31, 1979, its recommendations for distribution of the
16 Peoples Temple assets in a manner consistent with the terms of
17 the trust. Nothing herein shall preclude the Attorney General
18 from adding to, deleting from or modifying the list of potential
19 distributees of Peoples Temple assets until five (5) days prior
20 to the Court's order designating such distributees.

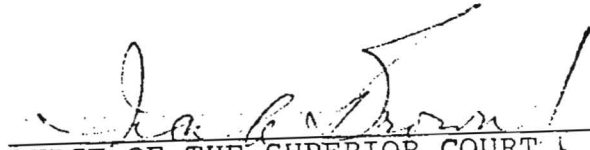
21 8. This Court shall, upon motion by petitioner or its
22 duly authorized representative, and after receipt of the afore-
23 mentioned proposals, reports, statements, and recommendations, set
24 for final hearing this petition for dissolution of petitioner and
25 for distribution of the charitable assets of Peoples Temple,
26 pursuant to Corporations Code § 9801, and shall order the said

1 dissolution and distribution of said assets of Peoples Temple in
2 a manner consistent with the terms of the trust thereon.

3 9. The surviving directors of Peoples Temple shall file
4 with this Court within ten days of the filing of this order, a
5 complete inventory of the assets and liabilities of Peoples Temple.
6 Thereafter the directors are ordered to file intermediate accounts
7 as the Court or the Attorney General may require.

8 10. Subject to Court approval, all of the assets of the
9 corporation shall be sold at public or private sale, for cash or
10 upon terms satisfactory to the Court.

11 Done in open court the 23d day of January , 1979, and
12 signed the 26th day of January, 1979.

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16 JUDGE OF THE SUPERIOR COURT

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IRA A. BROWN, JR.

NOTICE TO CREDITORS OF PEOPLES TEMPLE
OF THE DISCIPLES OF CHRIST

To creditors and claimants of Peoples Temple of the Disciples of Christ, a California non-profit corporation:

NOTICE IS HEREBY GIVEN that voluntary proceedings have been commenced for winding up and dissolution of Peoples Temple of the Disciples of Christ, a California non-profit corporation, in the Superior Court of the State of California, in and for the County of San Francisco, and the said Court has assumed jurisdiction over such proceedings as authorized by §§ 1904 and 9801 of the Corporations Code.

Pursuant to an order by the Court dated as of January 23, 1979, all claims and demands against the aforementioned corporation, whether due or not yet due, contingent, unliquidated, or sounding only in damages must be filed with proof thereof with Robert H. Fabian, Esq., the duly appointed Receiver for Peoples Temple, at 220 Bush Street, San Francisco, California 94104 within four months after the date of first publication of this notice. All such persons having claims against said corporation will be barred from participation in any distribution of the general assets of said corporation if they fail to file or present claims and proofs within the time and at the place specified in this notice. The first publication of the Notice is January 31, 1979. The four-month period expires at 11:59 p.m. (Midnight) on May 31, 1979.

CLAIM

Name: _____
[Include business or corporate name if appropriate.]

Address: _____
[Please include Zip Code.]

Telephone: _____
[Area Code] [Number]

Individual to be contacted regarding this claim (if different
from above): _____

Name: _____

Address: _____

Telephone Number: _____

Amount of Claim: \$ _____

Basis of Claim: (If more space is needed, please attach
additional pages.)