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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

ENDORSED
FILED
San Francisco County Superior Court
DEC 20 1978
CARL M. OLSEN, Clerk
BY D. FLANAGAN

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

10
11 PEOPLE'S TEMPLE OF THE DISCIPLES)
12 OF CHRIST,) NO. 746571
13)
14 Petitioner,) AMENDED PETITION FOR JUDICIAL
15 v.) SUPERVISION OF WINDING UP
16 THE ATTORNEY GENERAL OF THE) THE AFFAIRS OF PEOPLE'S
17 STATE OF CALIFORNIA,) TEMPLE, A CALIFORNIA NON-
18) PROFIT CHARITABLE CORPORATION,
19) AND THE DISTRIBUTION OF ITS
20) ASSETS. [CORPORATIONS CODE
21) §§ 1904 and 9801 AND FORMER
22) \$ 4607]
23 Respondent.

24 COMES NOW PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST,
25 a California non-profit charitable corporation (hereinafter called
26 the "petitioner"), and hereby petitions the above-entitled Court
to take supervision over the voluntary winding up and dissolution
of People's Temple of the Disciples of Christ, a California non-
profit charitable corporation, and to make such orders and adjudge
such matters concerning the winding up of the affairs of said
corporation as may appear to the court necessary or desirable.
In support of this petition, the petitioner alleges as follows:

1 1. This petition is pursuant to the provisions of sections
2 1904 and 9801 and former § 4607 of the Corporations Code.

3 2. EVELLE J. YOUNGER is the legally constituted Attorney
4 General of the State of California and as such is charged with
5 the general supervision of all charitable organizations within
6 this State and with trust enforcement supervision over trustees
7 and fiduciaries who hold or control property in trust for chari-
8 table and eleemosynary purposes. The Attorney General is a re-
9 quired party in any proceeding authorized pursuant to section
10 9801 of the California Corporations Code.

11 3. PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST ("People's
12 Temple" or "Corporation") is a California non-profit corporation
13 created and existing under the California general non-profit
14 corporation law, and has its principal place of business in the
15 City and County of San Francisco.

16 4. People's Temple holds all of its assets and funds
17 in trust for charitable purposes, its primary purpose being
18 "to further the Kingdom of God by spreading the Word" and is
19 exempt from taxation under section 23701(d) of the California
20 Revenue and Taxation Code and section 501(c)(3) of the Internal
21 Revenue Code of the United States. Copies of the Articles of
22 Incorporation and all amendments thereto have been attached as
23 Exhibit A to the original petition filed on December 4, 1978, in
24 this proceeding.

25 5. PEOPLE'S TEMPLE is in the process of voluntarily
26 winding up its affairs as evidence by the fact that on December

1 19, 1978 there was filed with the Office of the Secretary of
2 State of California, a certificate stating that said corporation
3 has elected to wind up its affairs and voluntarily dissolve. A
4 copy of said certificate, certified by the Secretary of State of
5 California, is attached to this petition as "Exhibit B" and by
6 this reference is made a part hereof.

7 6. Court supervision over the process of the winding up
8 and dissolution of said corporation is necessary and desirable
9 by reason of the following facts:

10 (a) A substantial number of the Corporation's
11 members died in the Jonestown tragedy on or about
12 November 18, 1978. Because of these deaths, it is
13 impossible for the Corporation to continue to operate
14 as a church.

15 (b) The process of winding up and dissolving the
16 Corporation will likely be long, procedurally complex
17 and contentious. The assets of the Corporation are
18 largely unknown to the existing directors. Statements
19 in the press indicate that substantial corporate
20 assets exist in the form of bank accounts in at least
21 Panama, Switzerland and Rumania. The Corporation's
22 potential liability from the potential claims of known

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1 and contingent creditors may be substantial.

2 (c) In addition the Corporation as of the date
3 of the filing of this Amended Petition is a named party
4 in four lawsuits, a list and description of which is
5 given in "Exhibit C" which is attached to this petition.
6 The Corporation's potential liability from three of the
7 four pending lawsuits, if they proceed to judgment
8 against the Corporation, could be substantial. Further-
9 more, one of the directors, Jean Brown, is named co-
10 defendant in a suit (action #739907 in this Court)
11 against the Corporation. Another co-defendant appears
12 to be related to a director, and a director is a co-
13 plaintiff with the Corporation in action no. 740531
14 in this Court. The fact that directors are named may
15 create irreconcilable conflicts of interest.

16 (d) The Corporation's directors and Charles R.
17 Garry of Garry, Dreyfus, McTernan, Brotsky, Herndon &
18 Pesonen, Inc., which has represented the Corporation
19 as well as a number of its directors, officers, and
20 members, may be called as witnesses in pending grand
21 jury investigations into the death of Congressman Leo
22 Ryan and into the deaths at Jonestown. They may also
23 be called as witnesses in criminal proceedings, if
24 any, arising out of the said investigations and as
25 witnesses in pending and future, if any, civil actions
26 by and against the Corporation.

1 (e) Substantial disputes will arise as to who
2 is entitled to the distribution of the Corporation's
3 assets remaining on dissolution.

4 7. The facts alleged in paragraph 6 make it impractical
5 for the Corporation to proceed to an orderly and expeditious
6 winding up and dissolution of its affairs absent court supervision
7 thereof. In addition, it appears from these allegations that
8 the court should take jurisdiction over the winding up and disso-
9 lution of People's Temple in order to protect the interests of
10 the People of the State of California as the ultimate charitable
11 beneficiaries of the assets of People's Temple.

12 WHEREFORE, petitioners pray as follows:

13 1. That the Court give and make its order to persons
14 interested in People's Temple, as creditors, trustees, construc-
15 tive trustees or any other manner, as the Court deems proper,
16 requiring them to appear before the Court at the time and place
17 appointed, then and there to show cause why the Court should not
18 make orders, and adjudge as to any and all matters concerning
19 the winding up and dissolution of People's Temple including all
20 matters set forth and permitted in section 1904 and former sec-
21 tion 4607 of the Corporations Code.

22 2. That the Court give and make its order prescribing
23 what notice shall be given to such persons interested in People's
24 Temple as creditors, trustees, constructive trustees or in any
25 other manner.

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1 3. That on the hearing of the order to show cause this
2 Court give and make its order and decree that it has assumed
3 jurisdiction over the winding up of the affairs of People's
4 Temple, including all matters contained in section 1904^{and for-} of the
5 mer section 4607
6 Corporations Code; including an order for the filing of claims
7 by creditors within such time and at such place and in such
8 manner as the Court shall direct.

9 4. That the Court order that any and all charitable
10 organizations, exempt from taxation under section 501(c)(3) of
11 the Internal Revenue Code, which desire to be named as distribu-
12 tees of the assets of People's Temple, pursuant to the winding up
13 and dissolution of People's Temple under Corporations Code §§ 1904
14 and former § 4608
15 1807 /shall file with the Court and with the Office of the
16 California Attorney General - Charitable Trust Unit, on or before
17 April 30, 1979 a written proposal for maintenance,
18 operation and utilization of People's Temple assets as in a
19 manner consistent with the terms of the trust. That all said or-
20 ganizations shall, in addition, file a current financial state-
21 ment, signed and verified by an officer, director, or trustee
22 of the organization under penalty of perjury, demonstrating
23 the financial ability of said organization to carry out its
24 proposed plan of operation. Failure of any organization to hold
25 a 501(c)(3) exemption and/or to file the above-required proposal
26 and financial statement shall preclude any distribution of
People's Temple assets to said organization.

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1 5. That the Court authorize the Office of the California
2 Attorney General to investigate and audit, to the full extent
3 deemed necessary by the Office of the California Attorney General,
4 all organizations, including the directors, officers and members
5 thereof, applying for distribution of any People's Temple assets
6 attendant to this proceeding. That the Office of the California
7 Attorney General shall submit to the Court, on or before June 30,
8 1979 its recommendation(s) for distribution of the People's
9 Temple assets in a manner consistent with the terms of the trust.

10 6. That the Court set for hearing, upon receipt of the
11 aforementioned proposals, reports, statements and recommendations,
12 this petition for distribution of the charitable assets of
13 People's Temple, pursuant to Corporations Code section 1904 and 1806
14 and former § 4609.
15 / order the distribution of said assets of People's Temple in a
16 manner consistent with the terms of the trust thereon.

17 7. That the Court stay the prosecution of any and all
18 lawsuits presently pending to which People's Temple is a named
19 party including those listed in Exhibit C, and require all parties
20 to those actions to present and prove their claims in the manner
21 required of other creditors.

22 8. That the surviving directors of the Corporation file
23 with this court within ten days of this order an inventory of
24 the assets and liabilities of People's Temple and thereafter
25 to file intermediate and final accounts as the Court or the
26 Attorney General may require.

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1 9. That the surviving directors be ordered to sell at
2 public or private sale all the assets of the Corporation for
3 cash in an amount deemed reasonable by the board and subject to
4 court approval.

5 10. For such further relief as the Court deems proper.

6 DATED: December 20 1978

7
8 GARRY, DREYFUS, MCTERNAN, BROTSKY,
9 HERNDON & PESONEN, INC.

10 By Charles R. Garry
11 CHARLES R. GARRY
12 Attorneys for Petitioner
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V E R I F I C A T I O N

I, JEAN BROWN am
a Director and Assistant Secretary of the petitioner in the
above entitled action.

I have read the foregoing AMENDED PETITION FOR JUDICIAL
SUPERVISION OF WINDING UP THE AFFAIRS OF PEOPLE'S TEMPLE
and know the contents thereof; and the same is true of my own
knowledge, except as to the matters which are therein stated
upon my information or belief, and as to those matters I believe
it to be true.

I declare under penalty of perjury the foregoing is true
and correct. Executed on December 20, 1978 at
San Francisco, California

Jean F. Brown
JEAN BROWN

EXHIBIT C

These are the lawsuits to which Petitioner is a party.

An asterisk by the name of a party indicates that the person is believed to be dead.

Cobb v. People's Temple, Jones*, Buford, Brown, Moton*, and Does 1-50--San Francisco Superior Court No. 739 907. This is an action for multi-million dollar damages for intentional infliction of emotional distress and libel. To the best of Petitioner's knowledge, only Petitioner has been served or has appeared. An answer has not been filed. The last activity in the case was the overruling of a demurrer.

Medlock v. Jones*, People's Temple, Nelson*, Enola Nelson Realty, Fortsyn, McElvane*, and Does 1-50--Los Angeles Superior Court No. C243292. This is an action for multi-million dollar damages for conversion and intentional infliction of emotional distress. To the best of Petitioner's knowledge, only Petitioner and McElvane have been served or have appeared. An answer has not been filed. The last activity in the case was the denial of a petition for writ of mandate (for change of venue) by the Court of Appeal on November 6, 1978.

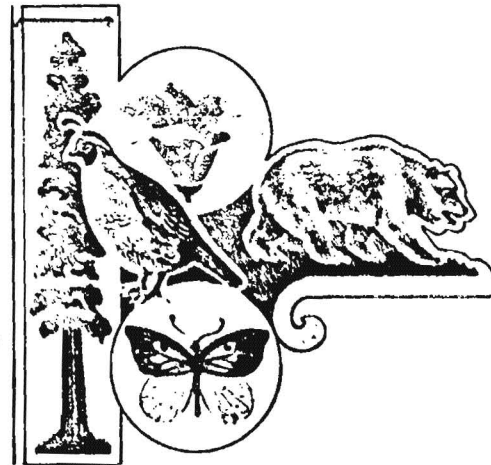
Katsaris v. Jones*, Bradshaw, People's Temple, Adams, Beck, Stahl*, and Does 1-48--Mendocino Superior Court No. 39911. This is an action for multi-million dollar damages for libel and slander. To the best of Petitioner's knowledge, only Petitioner has been served or has appeared. An answer has not been filed. The last activity in the case was the denial of a petition for writ of mandate (for change of venue) by the Court of Appeal on November 6, 1978.

People's Temple, Brown and McElvane* v. Stoen--San Francisco Superior Court No. 740 531. This is an action for multi-million dollar damages and for an injunction restraining the defendant from representing plaintiffs in actions against the Petitioner. The complaint has been answered. The last activity in the case was the denial of a motion for preliminary injunction.



State of California

OFFICE OF THE SECRETARY OF STATE



I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

DEC 19 1978



March Fong Eu

Secretary of State

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

DEC 19 1978

CERTIFICATE OF ELECTION TO MARCH FONG EU, Secretary of State

By BILL HOLDEN
Deputy

WIND UP AND DISSOLVE

We, Jean Brown, June Crym, Don Beck, Vera Young and
Dennis Allen, declare:

1. Peoples Temple of the Disciples of Christ is
a California nonprofit corporation.

2. The present voting members of the corporation,
constituting six of the seven voting members authorized by the
By-Laws of the corporation, are: Jean Brown, June Crym, Don
Beck, Lee Inghram, Vera Young and Dennis Allen. They are also
the directors of the corporation.

3. Five of the six voting members and directors were
present at a special meeting held at San Francisco December 4,
1978.

4. The corporation has elected to wind up and dissolve.

5. The election was made by vote of the voting members,
who also consented thereto in writing. Five of the six voting
members entitled to vote on or consent to the election voted in
favor of the election and have consented in writing thereto.

6. This certificate is executed by five of the six voting
members of the corporation, constituting more than 50 per cent
of the voting power.

We declare the foregoing to be true and correct, under
penalty of perjury.

Executed at San Francisco, California, December 15, 1978.

Jean Brown
JEAN BROWN

June Crym
JUNE CRYM

Don Beck (G. Donald Beck Jr.)
DON BECK (G. DONALD BECK)

Vera L. Young
VERA YOUNG

Dennis K. Allen
DENNIS ALLEN