

FACSIMILE REPRODUCTION OF THE CHARGE
TO, AND THE DECISION OF, THE JURY IN THE
COURT CASE CONCERNING THE MT.
CARMEL PROPERTY

GENERAL ASSOCIATION OF DAVIDIAN
SEVENTH-DAY ADVENTISTS, INC.
In the District Court of McLennan County,
Texas, 19th Judicial District

GENERAL ASSOCIATION OF DAVIDIAN
SEVENTH-DAY ADVENTISTS, ET AL

No. 51246

Ladies and Gentlemen of the Jury:

This case is submitted to you on Special Issues; that is, you are called upon to answer some questions as to particular facts in the case, from the evidence you have heard in the trial.

You are the sole judges of the credibility of the witnesses and the weight to be given their testimony, but in matters of law you must be governed by the instructions in this charge.

You are instructed that you must not speculate on matters not shown by the evidence and about which you are asked no questions.

You are further instructed that you are not to try to reach a verdict by lots, or chance; and do not return a quotient verdict, by adding together figures, dividing by the number of jurors, and agreeing to be bound by the result. Do not do any trading on your answers, that is, some of you agreeing to answer some questions one way if others will agree to answer other questions in another way.

In your deliberations, you shall not relate to your fellow jurors any personal experience of your own, nor shall you relate any occurrence, happening, or event known to you, and not shown by the evidence in this case. In all your deliberations, and at all times while you are considering your verdict, you will confine yourselves strictly to the evidence introduced before you in this case.

Do not decide who you think should win, and then try to answer the questions accordingly. If you do that, your verdict will be worthless. Simply answer the questions as you find the facts from the evidence without concerning yourselves about the effect, of your answers. All questions must be answered by the unanimous consent of all the jury.

Do not discuss the case, or even mention it to anyone whomsoever nor permit it to be mentioned in your hearing, except in the jury room when all jurors are present. If anyone attempts to mention the case to you otherwise, you must report it to the Court at once.

Do not let bias, prejudice, sympathy, resentment, or any such emotion, play any part in your deliberations.

For your guidance in answering the following Special Issues, you are instructed as follows:

PREPONDERANCE OF THE EVIDENCE: By the term preponderance of the evidence, as used in this charge, is meant the greater weight and degree of the: credible evidence before you; and by the term "credible" is meant worthy of belief.

You are instructed that the phrase "General Association of Davidian Seventh-Day Adventists" and the word "Association", as used in this charge, has reference, for the purpose of answering the issues in this charge, to the organization of which Mrs. Houteff purported to be Vice President.

SPECIAL ISSUE NO. 1:

Do you find from a preponderance of the evidence that the General Association of Davidian Seventh-Day Adventists is a defunct or disorganized church or congregation?

Answer "Yes" or "no".

ANSWER: (yes.)

By the terms "church or congregation" is meant to refer to a local congregation of believers in Christ, and not to a denomination or communion as a whole.

The terms "defunct or disorganized" are meant to apply to an organization which formerly maintained regular forms of work and worship in a given community such as the Bible School, Communion Services, preaching Services, etc. at regular intervals, and which has ceased to function in these and similar capacities as a church for a period of one or more years.

If you answer the foregoing Special Issue "yes", and in that event only, you will answer the following Special Issue:

SPECIAL ISSUE NO. 2:

Do you find from a preponderance of the evidence that the General Association of Davidian Seventh-Day Adventists may be revived or reorganized within a reasonable time? Answer "yes" or "no".

ANSWER: (no.)

SPECIAL ISSUE NO. 3:

Do you find from a preponderance of the evidence that the General Association of Davidian Seventh-Day Adventists, Inc., is a church or congregation, denominational communion or

organization of like faith--and order as the General Association of Davidian Seventh-Day Adventists? Answer "Yes" or "no"

ANSWER: (yes.)

SPECIAL ISSUE NO. 4:

Do you find a preponderance of the evidence that the General Association of Davidian Seventh-Day Adventist, Inc., is a successor organization to the General Association of

Davidian Seventh-Day Adventists? Answer "Yes" or "no".

ANSWER: (yes.)

SPECIAL ISSUE NO. 5

Do you find from a preponderance of the evidence that the Davidian Seventh-Day

Adventists Association, is a church or congregation, a denomination or communion or organization of like faith and order as the General Association of Davidian Seventh-Day Adventists? Answer "yes" or "no".

ANSWER: (yes.)

SPECIAL ISSUE NO. 6:

Do you find from a preponderance of the evidence that the Davidian Seventh-Day Adventists Association, is a successor organization to the General Association of Davidian Seventh-Day Adventists? Answer "Yes" or "no".

ANSWER: (yes.)

SPECIAL ISSUE NO. 7:

Do you find from a preponderance of the evidence, if any, that the executive counsel in office in February 1955, had the authority to appoint Mrs. Florence Houteff Vice President of the General Association of Davidian Seventh-Day Adventists? Answer "It did" or "It did not"

Answer: (It did.)

SPECIAL ISSUE NO. 8

Do you find from a preponderance of the evidence, if any, that notices of the session of March 11, 1962, were sent to all members entitled to receive them? Answer "They were" or "They were not".

ANSWER: (They were not.)

SPECIAL ISSUE NO. 9:

Do you find from a preponderance of the evidence, if any, that the proxy votes used in the session of March 11, 1962, were actually received? Answer "They were" or "They were not".

ANSWER: (They were not.)

SPECIAL ISSUE NO. 10:

Do you find from a preponderance of the evidence, if any, that the contributors of the Second Tithe were induced to make said contributions by representations as to the purpose for which said Tithe was to be used? Answer "They were" or "They were not".

ANSWER: (They were.)

If you have answered the above and foregoing issue "They were", and only in that event, you will answer the following issue:

SPECIAL ISSUE NO. 11:

Do you find from a preponderance of the evidence, if any that the contributors relied upon said representations? Answer "They did" or "They did not".

ANSWER: (They did.)

SPECIAL ISSUE NO. 12:

Do you find from a preponderance of the evidence, if any, that the contributors would not have contributed to Second Tithe if they had not relied upon said representation? Answer "They would" or "They would not".

ANSWER: (They would not.)

SPECIAL ISSUE NO. 13:

Do you find from a preponderance of the evidence, if any, that the assets and property in question were purchased with the Second Tithe funds? Answer "They were" or "They were not".

ANSWER: (They were.)

If you have answered the above and foregoing issue "yes", and only in that event, you will answer the following issue:

SPECIAL ISSUE NO. 14:

Do you find, from a preponderance of the evidence, if any, that according to, the representations made by said Association if you have so found were to hold the assets in trust for the use and benefit of the contributors? Answer "It was" or "It was not".

ANSWER: (It was)

If you have answered Special Issue No. 9 "They were", you will answer Special Issue No. 15; otherwise you need not answer same.

SPECIAL ISSUE NO. 15:

Do you find from a preponderance of the evidence, if any, that those present in person, together with such proxies constituted a majority of the membership of the General Association of Davidian Seventh-Day Adventists on March 11, 1962? Answer "They did" or "They did not".

ANSWER: (No answer needed.)

SPECIAL ISSUE NO. 16:

Do you find from a preponderance of the evidence, if any, that there was not a majority of the membership of the General Association of Davidian Seventh-Day Adventist either present or by proxy voting for the resolution on March 11, 1962? Answer "There was not a majority" or "There was a majority".

ANSWER: (There was not a majority.)

SPECIAL ISSUE NO. 17:

Do you find from a preponderance of the evidence, if any, that O.A. Atwood, H.G. Warden, Vida Warden, George W. Saether, E.R Heim, Gertrude Heim, the General Association of Davidian Seventh-Day Adventists, represented by the Wardens and General Association of Davidian Seventh-Day Adventists, Incorporated, waited an unreasonable length of time before bringing this suit after discovering that the asset's of the original General Association of Davidian Seventh-Day Adventists had been transferred to Tom Street, Trustee? Answer "They did wait an unreasonable length of time" or "They did not wait an unreasonable length of time".

ANSWER: (They did not.)

If you have answered the foregoing special issue No. 17 "They did wait an unreasonable length of time", and in that event only, you will answer the following issue:

SPECIAL ISSUE NO. 18:

Do you find from a preponderance of the evidence that the delay of said parties, if you have so found, resulted In Tom Street, Trustee, changing his position to his disadvantage? Answer "It did so result" or "It did not so result".

ANSWER: (Needs no answer)

SPECIAL ISSUE NO. 19:

Do you find from a preponderance of the evidence that it was the understanding of the members of the General Association of Davidian Seventh-Day Adventists that a contributor had to remain a member of the Association in order to participate in the benefits of the Second Tithe? Answer "It was the understanding" or "It was not the understanding".

ANSWER: (It was not)

SPECIAL ISSUE NO. 20:

Do you find from a preponderance of the evidence, if any, that Mrs. Charles Love, Mrs. Ruby V. Haylock, Mrs. Fleda Green, C.H. Haylock, W.H. Green, Burdsal Brewer and the General Association of Davidian Seventh-Day Adventists, Inc., waited an unreasonable length of time before bringing this suit after discovering that the assets of the original General Association of Davidian Seventh-Day Adventists had been transferred to Tom Street, Trustee? Answer "They did wait an unreasonable length of time" or "They did not wait an unreasonable length of time".

ANSWER: (They did not.)

If you have answered Special Issue No. 20 "They did wait an unreasonable length of time" you will answer the following issue; otherwise you need not answer same.

SPECIAL ISSUE NO. 21:

Do you find from a preponderance of the evidence that the delay of said parties, you have so found, resulted in Tom Street, Trustee, changing his position to his disadvantage? Answer "it did so result" or "It did not so result".

ANSWER: (Needs no answer.)

SPECIAL ISSUE NO. 22:

Do you find from a preponderance of the evidence, if any, that a majority of those present in person at the meeting of March 11, 1962, voted for the resolution to dissolve? Answer "They did" or "They did not".

ANSWER: (They did.)

SPECIAL ISSUE NO. 23:

Do you find from a preponderance of the evidence, if any that a majority of those present in person, or by proxy, if proxies were received, at the meeting of March 11, 1962, voted for the resolution to dissolve? Answer "They did" or "They did not".

ANSWER: (They did.)

During your deliberations in the Jury room you will confine your discussions to the evidence submitted before you under the rulings of the Court, and you will not mention or discuss any personal experience that any one of you may have had elsewhere.

Bill Logue
Judge presiding.

VERDICT OF THE JURY

We, the jury, return the above answers to the questions propounded to us herein as our verdict in this case.

W. H. Goodnight
Foreman

NOTICE

Those wishing to help defray the cost of printing and mailing the Court Reporting Committee News Bulletins may send in freewill contributions. A report of "news as it happens" will be sent to all who send in their requests.

ATTENTION!

The address of Judge Bill Logue has been requested from the Court Reporting Committee, so that telegrams, cable grams, and letters may be sent to him commending the court for the favorable decision that was rendered by the jury; and urge him to render his decision accordingly thus showing him that Davidians still have a definite spirit of unity. All who have not yet contacted Judge Logue, are urgently requested to write him at once. His address is:

Judge Bill Logue
19th District Court
McLennan County Court House
Waco, Texas

FINAL POINTS TO BE CONSIDERED BY ALL SECOND-TITHE CREDIT HOLDERS

Unless the Davidian world gets together on one point--UNITING to STOP the litigation by VOLUNTARILY voting to remove Tom Street as Trustee (as advised by one District attorney, as the only solution for saving the assets) and return the second tithe assets to the Association for equitable distribution, the funds will be dissipated in court costs and lawyers' fees, in appealing the case from one court to another.

All second-tithe credit holders are now urged to present a united front, by taking the above action BEFORE a final judgment is entered in the court records by the Judge, so that all litigation may be stopped, once and for all, and the remaining assets be preserved for the people.

In case you did not sign the previous resolution, please sign the following, and return it by air mail, to, The Court Reporting Committee Box 121 Waco, Texas 76700

RESOLUTION

I, _____, the undersigned Davidian, vote to unite with other Davidians to stop all litigation in order to preserve the balance left in second-tithe assets for those who contributed,

by removing Tom Street as Trustee and returning the assets to the Association for proper distribution.

Signed _____

Address _____

Notary _____

Box 121
Waco, Texas 76700