

IN THE IOWA DISTRICT COURT FOR DES MOINES COUNTY

ROBERT G. BRILL, and
CHERYL L. BRILL

Plaintiffs,

v.

LUKE A. GERLING, and
JESSICA E. GERLING,

Defendants.

CASE NO. LALA005845

VERDICT FORMS**I. NEGLIGENCE**

We the jury find the following verdict on the questions submitted to us:

Question No. 1: Did the Gerlings fail to use ordinary care in the construction of their home OR in the grading of their property surrounding their home OR in the construction of drainage on the property surrounding their home? Answer "yes" or "no".

Answer: NO

If your answer is "no," do not answer any further questions in Section I and proceed to answer the questions in Section II. If your answer is "yes", please proceed to Question 2.

Question No. 2: Did the Gerlings' failure to use ordinary care cause any item of damage to the Brills? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section I and proceed to answer the questions in Section II. If your answer is "yes", please proceed to the next question.

Question No. 3: Did the Brills fail to use ordinary care in the care and maintenance of their property? Answer "yes" or "no".

Answer: _____

If your answer is "no," proceed to Question No. 6. If your answer is "yes," please proceed to the next question.

Question No. 4: Was the Brills' failure to use ordinary care the cause of their damages? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer Question No. 5 and proceed to Question No. 6. If your answer is "yes," please proceed to the next question.

Question No. 5: Using 100% as the total combined fault of the parties, which was the cause of the Brills' damage, what percentage of such combined fault do you assign to the Brills and what percentage of such combined fault do you assign to the Gerlings?

Answer:

Plaintiff	_____ %
Defendant	_____ %
TOTAL	100%

If you find the Brills to be more than 50% at fault, do not answer Question No. 6.

Question No. 6: State the amount of damages sustained by the Brills, caused by the Gerlings, as to each of the following items of damage. Do not take into consideration any reduction of damages due to the Brills' fault. If the Plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by the Gerlings, enter "0" for that item.

Property damages \$ _____

II. Increase in Water Discharge

We the jury find the following verdict on the questions submitted to us:

Question No. 1: Did the Brills prove that there was a substantial increase in the volume of water coming onto their property from the Gerlings' property? Answer "yes" or "no".

Answer: NO

If your answer is "no," do not answer any further questions in Section II, and do not answer any questions in Section III and Section IV. Proceed instead to answer the questions in Section V. If your answer is "yes", please proceed to Question 2.

Question No. 2: Did the Brills prove that there was a substantial change in the method or manner of drainage? Answer "yes" or "no."

Answer: _____

If your answer to both Question No. 1 and 2 is "no," do not answer any further questions in Section II, and do not answer any questions in Section III and Section IV. Proceed instead to answer the questions in Section V. If your answer is "yes", please proceed to Question 3.

Question No. 3: Did the Gerlings cause the substantially increased volume of water? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section II and do not answer any questions in Section III and Section IV. Proceed instead to answer the questions in Section V. If your answer is "yes", please proceed to Question 4.

Question No. 4: Did the Brills prove that actual damages occurred because of the substantially increased volume of water coming onto their property?

Answer: _____

If your answer is "no," do not answer any further questions in Section II and do not answer any questions in Section III and Section IV. Proceed instead to answer the questions in Section V. If your answer is "yes", please proceed to Question 5 and answer the questions in Section III.

Question No. 5: State the amount of damages sustained by the Brills:

Damages: \$_____

III. NUISANCE

We the jury find the following verdict on the questions submitted to us:

Question No. 1: Did the Gerlings interfere with the Brills' private use and enjoyment of their property? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section III and proceed to answer the questions in Section IV. If your answer is "yes", please proceed to Question 2.

Question No. 2: Was the Gerlings' interference injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section III and proceed to answer the questions in Section IV. If your answer is "yes", please proceed to Question 3.

Question No. 3: Did the Brills establish that the Gerlings' interference caused damages? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section III and proceed to answer the questions in Section IV. If your answer is "yes", please proceed to Question 4 and proceed to answer the questions in Section IV.

Question No. 4: State the amount of damages sustained by the Brills that was caused by the Gerlings:

Damages: \$ _____

IV. Trespass

We the jury find the following verdict on the questions submitted to us:

Question No. 1: Did the Brills prove that the Gerlings entered the Brills' land or caused a thing to enter the Brills' land creating a substantial increase in the flow of water onto the Brills' land? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section IV and proceed to answer questions in Section V. If your answer is "yes", please proceed to Question 2.

Question No. 2: Did the Brills prove they suffered damages? Answer "yes" or "no".

Answer: _____

If your answer is "no," do not answer any further questions in Section IV and proceed to answer questions in Section V. If your answer is "yes", please proceed to Question 3.

Question No. 3: State the amount of damages sustained by the Brills that was caused by the Gerlings:

Damages: \$ _____

V. Breach of Restrictive Covenants

We the jury find the following verdict on the questions submitted to us:

Question No. 1: Were the Gerlings' lot owners subject to the Wildlife Lakes

Subdivision Restrictive Covenants? Answer "yes" or "no".

Answer: YES

If your answer is "no," do not answer any further questions. If your answer is "yes", please proceed to Question 2.

Question No. 2: Did the Gerlings fail to revegetate and restore ground cover for erosion and appearance reasons OR fail to conserve and protect trees, top soil, rock formations, and unique landscape features OR fail to provide for site drain drainage and grading in the construction of their home and surrounding lot to be done with a minimum of disruption to the lot and drainage to adjoining lot or cause a condition which could lead to soil erosion? Answer "yes" or "no".

Answer: NO

If your answer is "no," do not answer any further questions. If your answer is "yes", please proceed to Question 3.

Question No. 3: Did the Brills prove they suffered damages? Answer "yes" or "no".

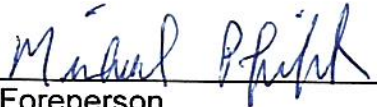
Answer: _____

If your answer is "no," do not answer any further questions. If your answer is "yes", please proceed to Question 4.

Question No. 4: State the amount of damages sustained by the Brills that was caused by the Gerlings:

Damages: \$ _____

If the verdict is unanimous, only the Foreperson should sign. If not unanimous, and after 6 or more hours of deliberation, only seven of the jurors in agreement with the above findings shall sign.



Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror