

## THE IOWA DISTRICT COURT IN AND FOR CEDAR COUNTY

MARK BUTZ AND BUTZ-HILL  
EXPORTS, INC.  
PLAINTIFF,

VS.

LEE P KURTENBACH  
DEFENDANT.

CASE NO. LACV037047

VERDICT FORM  
#1

We the Jury find as follows:

**Plaintiffs' Count III –Fraudulent Non-Disclosure:** The Plaintiff has proven the following elements (check each element that the Plaintiff has proven:

\_\_\_\_\_ Defendant made a misrepresentation or failed to disclose a material fact (logging contract) when under a legal duty to do so during the sale of the real estate to Plaintiffs.

\_\_\_\_\_ The misrepresentation or nondisclosure (logging contract) was material.

\_\_\_\_\_ Defendant acted with scienter, meaning knowledge of the falsity or reckless disregard for the truth.

\_\_\_\_\_ Defendant intended to deceive Plaintiffs.

\_\_\_\_\_ Plaintiffs justifiably relied on the misrepresentation or nondisclosure.

\_\_\_\_\_ Plaintiffs suffered damages as a result.

If you have checked all of the elements above you must find in favor of Plaintiffs. If you have not checked all of the elements above you must find in favor of Defendant.

We find in favor of the:

\_\_\_\_\_ Plaintiffs

☒ Defendant

- a. If you find in favor of the Defendant, STOP. Do not answer question 3(b).
- b. If you find in favor of the Plaintiff. What are the damages that the Plaintiff has sustained?

\$ \_\_\_\_\_ Amount of damages



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VERDICT FORM  
#2

We the Jury find as follows:

**Defendant's Counterclaim II – Interference with Quiet Enjoyment:** The Defendant has proven the following elements (check each element that the Defendant has proven):

- ☒ The existence of a valid lease agreement  
☒ The Plaintiffs' knowledge of the lease  
☐ The Plaintiffs' intentional and improper interference with the lease;  
☐ The interference caused harm to the Defendant's leasehold interest; and  
Damages resulted from the interference.

If you have checked all of the elements above you must find in favor of Defendant. If you have not checked all of the elements above you must find in favor of Plaintiffs.

We find in favor of the:

☒ Plaintiffs☐ Defendant

- a. If you find in favor of the Plaintiffs, STOP. Do not answer question 6(b).  
b. If you find in favor of the Defendant. What are the damages that the Defendant has sustained?

\$ \_\_\_\_\_ Amount of damages



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We the Jury find as follows:

**Special Interrogatories - Punitive Damages:**

**Question No. 1:** Do you find by a preponderance of clear, convincing and satisfactory evidence that the conduct of the defendant constituted willful and wanton disregard for the rights or safety of another?

Answer "Yes" or "No"

ANSWER:

[If your answer to Question No. 1 is "No" do not answer Question No. 2]

**Question No. 2:** Was Butz's conduct directed specifically at Kurtenbach ?

Answer "Yes" or "No"

ANSWER:

*Heidi C. Nash*

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|---|---|

We the Jury find as follows:

**Defendant's Counterclaim IV – Punitive Damages**

**Punitive Damages:** Question No. 1: What amount of punitive damages, if any, do you award?

ANSWER: \$ Ø

*Kelli C. Nash*