

ORIGINAL

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MICHAEL CUNNINGHAM, as Executor of
the ESTATE OF MARTI BREIT,

Plaintiff,

v.

JEFFREY E. BREIT,

Defendant.

Case No. LACL159044

VERDICT FORM

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

COUNT I - NEGLIGENCE

Question No. 1: Was Jeff Breit at fault?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," move to Question No. 7.]

Question No. 2: Was the fault of Jeff Breit a cause of any item of damage to the Plaintiff?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," move to Question No. 7.]

Question No. 3: Was Marti Breit at fault?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," move to Question No. 6.]

Question No. 4: Was Marti Breit's fault a cause of any damage to herself?

Answer "yes" or "no."

ANSWER: Yes



[If your answer is "no," move to Question No. 6]

Question No. 5: Using 100% as the total combined fault of Jeff Breit and Marti Breit that was a cause of Plaintiff's damage, what percentage of such combined fault do you assign to Jeff Breit and what percentage of such combined fault do you assign to Marti Breit?

ANSWER: Jeff Breit 18.25 %

Marti Breit 81.75 %

TOTAL 100%

[If you find Marti Breit to be more than 50% at fault, do not answer Question No. 6 and move to Question No. 7.]

Question No. 6: State the amount of damages to the Plaintiff caused by Jeff Breit's negligence as to each of the following items of damage.

Do not take into consideration any reduction of damages due to Marti Breit's fault. The judge will adjust any damages based on the fault percentages identified above.

If the plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by Jeff Breit's negligence, enter 0 for that item.

1. Past physical and mental pain and suffering \$ _____

2. Present value of the additional amounts Marti Breit would reasonably be expected to have accumulated as a result of her own efforts had she lived out the term of her natural life.

\$ _____

3. Marianne Shubert's loss of consortium with Marti Breit \$ _____

TOTAL (add the separate items of damage) \$ _____

COUNT II – Breach of Fiduciary Duty

Question No. 7: Did Jeff Breit's breach of fiduciary duty cause damage to the Estate of Marti Breit?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," move to Question No. 9.]

Question No. 8: State the amount of damages to the Estate of Marti Breit caused by Jeff Breit's breach of fiduciary duty.

If the plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by Jeff Breit's breach of fiduciary duty, enter 0 for that item.

1. Bank Transactions	\$ <u>0</u>
2. August 2023 Farm Payment	\$ <u>9,991.20</u>
3. Cash in Drawer	\$ <u>0</u>
4. Penalties and Interest on Taxes	\$ <u>8,408.68</u>
TOTAL (add the separate items)	\$ <u>18,399.88</u>

COUNT III - Conversion

Question No. 9: Did Jeff Breit commit conversion of funds to which the Estate of Marti Breit had ownership?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," do not answer any further questions.]

Question No. 10: Did Jeff Breit's conversion cause damage to the Estate of Marti Breit?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," do not answer any further questions.]

Question No. 11: State the amount of damages to the Estate of Marti Breit caused by Jeff Breit's conversion.

If the plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by Jeff Breit's conversion, enter 0 for that item.

1. Bank Transactions	\$ <u>89,451.96</u>
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2. August 2023 Farm Payment	\$ <u>0</u>
3. Cash in Drawer	\$ <u>0</u>
4. Penalties and Interest on Taxes	\$ <u>0</u>
TOTAL (add the separate items)	\$ <u>09,451.96</u>

Janet Cite
FOREMAN OR FOREWOMAN*

*To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

**To be signed by the jurors agreeing to it after six hours or more of deliberation.