

ROBERT EDWARD LEE OSWALD	§	IN THE DISTRICT COURT OF
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	§	
VS.	§	TARRANT COUNTY, TEXAS
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	§	
BAUMGARDNER FUNERAL HOME, INC., ALLEN S. BAUMGARDNER, SR, AND NATE D. SANDERS, INC.	§	67 <sup>TH</sup> JUDICIAL DISTRICT

**JUDGMENT OF THE COURT**

On December 8, 2014 came before this Court final trial of this matter. Plaintiff Robert Edward Lee Oswald (herein referred as "Oswald"), Defendant Allen S. Baumgardner, Sr. ("herein referred as Baumgardner"), Defendant Baumgardner Funeral Home, Inc. (herein referred as "Baumgardner Funeral") and Defendant Nate D. Sanders, Inc. (herein referred as "Sanders") and their attorneys announced ready to proceed to final trial. A record was made. This matter was tried before the judge after each party waived their right to have this matter tried before a jury. After hearing the evidence presented at trial, as well as after a lengthy and careful review of the arguments of counsel, case law and statutes cited, this Court enters its Judgment of the Court as follows:

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the #31 pine bluff casket purchased by Oswald on November 24, 1963 for the burial of his brother, Lee Harvey Oswald (the "1963 casket") is the personal property of Oswald. Oswald is the owner of the 1963 casket.

IT IS ORDERED, ADJUDGED and DECREED that Oswald have and recover a judgment against Baumgardner and Baumgardner Funeral for wrongful conversion of the 1963 casket.

IT IS ORDERED, ADJUDGED and DECREED that Oswald is entitled to have Baumgardner and Baumgardner Funeral pay all expenses for the return of the 1963 casket to Oswald.

IT IS ORDERED, ADJUDGED and DECREED that Baumgardner and Baumgardner Funeral must pay to Sanders by no later than February 12, 2015 by cash, certified or cashier's check all expenses to be incurred for, and amounts necessary to have, the 1963 casket shipped to Oswald. Additional expenses to be paid by Baumgardner and Baumgardner Funeral will include packing, transportation, insurance, transfer fees, any required taxes, fees or other governmental assessments. The insurance on the 1963 casket shall not be less than \$100,000.00. The 1963 casket shall be delivered to Oswald to an address provided by Oswald.

IT IS ORDERED, ADJUDGED and DECREED that Baumgardner and Baumgardner Funeral shall pay to Oswald all reasonable travel expenses necessary for 2 people to accompany the 1963 casket to its destination, if such decision to travel is made. Such expenses must be paid no later than 15 days after receipt of all travel expenses from Robert or Robert's attorneys.

IT IS ORDERED, ADJUDGED and DECREED that, as exemplary damages, Oswald shall have and recover a judgment against Baumgardner and Baumgardner Funeral, jointly and severally, for their malicious and wanton conduct in the wrongful conversion, the sum of EIGHTY SEVEN THOUSAND FOUR HUNDRED SIXTY EIGHT DOLLARS and NO/100 CENTS (\$87,468.00).

IT IS ORDERED, ADJUDGED and DECREED that Oswald have and recover a take nothing judgment as to Oswald's claims for breach of contract, breach of fiduciary claim, negligence and negligence per se.

IT IS ORDERED, ADJUDGED and DECREED that all affirmative defenses and relief pled and requested by Baumgardner and Baumgardner Funeral are DENIED.

IT IS ORDERED, ADJUDGED and DECREED that Sanders have and recover a judgment in the amount of ELEVEN THOUSAND THREE HUNDRED EIGHTY TWO DOLLARS and 40/100 CENTS (\$ 11,382.40) against Baumgardner and Baumgardner Funeral, jointly and severally, for its indemnity claim.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Sanders shall recover an additional sum of SEVEN DOLLARS and 20/100 CENTS per diem storage charges beginning February 1, 2015 until the 1963 casket is removed from storage for transfer to Oswald.

IT IS ORDERED, ADJUDGED and DECREED that Sanders, upon receipt of all expenses related to the transfer of the 1963 casket to Oswald from Baumgardner and Baumgardner Funeral shall use its best efforts to have the 1963 casket shipped to Oswald by no later than 10 days after its receipt of funds necessary to cover these shipping and related expenses, including the per diem storage charges assessed herein.

IT IS ORDERED, ADJUDGED and DECREED that Sanders have and recover a take nothing judgment for its indemnity claim related to its attorneys fees and expenses.

IT IS ORDERED, ADJUDGED and DECREED that the judgments awarded to Oswald and Sanders shall accrue post judgment interest at 5% per annum until paid.

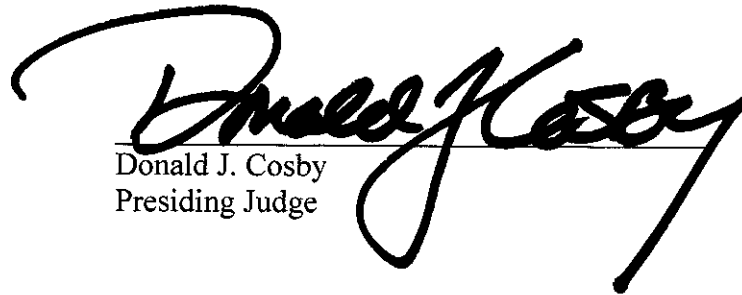
All other relief requested by the parties is DENIED.

All costs of court are taxed against Baumgardner and Baumgardner Funeral, jointly and severally.

All writs and other execution necessary to collect the judgments herein shall issue immediately.

This is a final and appealable judgment..

EXECUTED this 30<sup>th</sup> day of January, 2015.



Donald J. Cosby  
Presiding Judge