

No. 236-184813-00

ROBERT E. CULL and S. JANE CULL

V.

PERRY HOMES, A JOINT VENTURE,
HOME OWNERS MULTIPLE EQUITY,
INC. d/b/a HOME/RWC OF TEXAS,
AND WARRANTY UNDERWRITERS
INSURANCE COMPANY

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

236TH JUDICIAL DISTRICT

COURT'S CHARGE – PHASE II

MEMBERS OF THE JURY:

In discharging your responsibility on this jury, you will observe all the instructions that have been previously given you.

I shall now give you additional instructions that you should carefully and strictly follow during your deliberations. All jurors have the right and the responsibility to deliberate on these questions, but at least ten of those who agreed to the verdict in the first phase of this trial must agree to this answer and sign this verdict accordingly. If your first verdict was unanimous, this second verdict may be rendered by the vote of at least ten of you.

Court's Minutes
Transaction # 267
AT

QUESTION NO. 1:

What sum of money, if any, if paid now in cash, should be assessed against Perry Homes and awarded to the Culls as exemplary damages, if any, for the conduct found in response to Question No. 23?

“Exemplary damages” means an amount that you may in your discretion award as a penalty or by way of punishment.

Factors to consider in awarding exemplary damages, if any, are—

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of Perry Homes.
- d. The situation and sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of Perry Homes.

Answer in dollars and cents, if any.

S. Jane Cull: \$ 10 million

Robert Cull: \$ 10 million

QUESTION NO. 2:

What sum of money, if any, if paid now in cash, should be assessed against Warranty Underwriters Insurance Company and awarded to the Culls as exemplary damages, if any, for the conduct found in response to Question 23?

“Exemplary damages” means an amount that you may in your discretion award as a penalty or by way of punishment.

Factors to consider in awarding exemplary damages, if any, are—

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of Warranty Underwriters Insurance Company.
- d. The situation and sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of Warranty Underwriters Insurance Company.

Answer in dollars and cents, if any.

S. Jane Cull: \$ 2 million

Robert Cull: \$ 2 million

QUESTION NO. 3:

What sum of money, if any, if paid now in cash, should be assessed against Perry Homes and awarded to the Culls as exemplary damages, if any, for the conduct found in response to Question No. 31?

"Exemplary damages" means an amount that you may in your discretion award as a penalty or by way of punishment.

Factors to consider in awarding exemplary damages, if any, are—

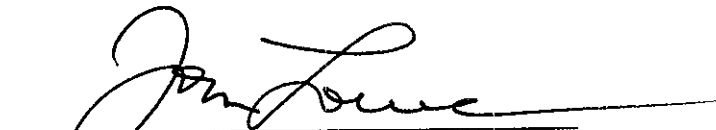
- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of Perry Homes.
- Jm* d. The situation and sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of Perry Homes.

Answer in dollars and cents, if any.

S. Jane Cull: \$ 10 million

Robert Cull: \$ 10 million

Signed this 1 day of March, 2010.



JUDGE PRESIDING

CERTIFICATE

We, the Jury, have answered the above and foregoing questions as herein indicated, and herewith return same into court as our verdict.

(To be signed by the Presiding Juror if unanimous)

Janet R Ponder
Presiding Juror
Janet R Ponder Date: 3/1/10
Printed Name of
Presiding Juror

(To be signed by those voting for the verdict if not unanimous)

Signed this _____ day of _____, 2010.

<u>Please Print Name</u>	<u>Signature</u>
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
11. _____	11. _____