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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT  
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CLERK TRIAL COURTS  
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ARTHUR C. ANDERSON, an individual, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF ALASKA; and ALASKA )  
STATE MUSEUMS, an agency of the State, )  
)  
Defendants. )

RECEIVED  
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Attorney Generals Office  
Juneau

Case No. 3AN-10-12981 CI

~~ALASKA~~  
[Proposed] Findings of Fact, Conclusions of Law, and  
Order of Final Judgment Dismissing Case

**Findings of Fact**

1. On December 3, 1969, at a meeting of National Governor's Association, President Nixon presented to Alaska's Governor Keith Miller a commemorative plaque celebrating the Apollo XI moon mission. Attached to plaque were

- a. a small Alaska flag that had traveled to the moon with the mission;
- b. a small Lucite ball containing pieces of lunar material gathered from the moon by the astronauts;
- c. a brass label that was inscribed: "Presented to the People of the State of Alaska by Richard Nixon, President of the United States"; and

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3 d. a second brass label that was inscribed: "This flag of your state  
4 was carried to the Moon and back by Apollo 11, and this fragment of the Moon's  
5 surface was brought to Earth by the crew of that first manned lunar landing."  
6

7 2. The Alaska Apollo XI moon rock plaque toured the State and was  
8 displayed at various schools, museums, and events. Eventually the Office of the  
9 Governor placed the moon rocks on display in the Alaska Transportation Museum in  
10 Anchorage, which, at that time, was a branch of the Alaska State Museum. The  
11 Transportation Museum was in a metal building located on Airport Road. It had many  
12 transportation-related exhibits, including old planes, cars, motorcycles, and a snow  
13 machine.  
14

15 3. Early in the afternoon of September 6, 1973, the Transportation  
16 Museum was set on fire by an arsonist, causing extensive damage to many of the  
17 artifacts within the museum.  
18

19 4. John George, the risk manager for the State at the time of the fire,  
20 inspected the facility shortly after the fire occurred. In a memorandum written in 1975,  
21 he stated that he "observed the rocks in an undamaged condition." He described the  
22 aftermath of the fire and salvage operation as "a combination of errors and poor  
23 judgment." He further stated that "[a]dequate security was impossible due to the lack of  
24 restricted access prior to and after the fire."  
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26 5. The moon rocks had been located in a part of the museum that was  
not as heavily damaged by the fire. Former Transportation Museum employee,

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Janie Toms, (now Janie Barry), testified during her deposition that shortly after the fire she saw the moon rocks intact in their display case, covered in soot. Ms. Barry testified that the moon rocks were placed in the upstairs office of the Museum. Ms. Barry also testified that three or four days after the fire she saw Museum Curator Phillip Redden leave the building with the moon rocks, and that Redden intended to take the moon rocks to his home for safekeeping during the clean up efforts.

6. Redden also removed from the Museum some artifacts that belonged to him personally. Some large artifacts were left in the building. Other artifacts were transported to a storage facility on Fort Richardson. The State never re-opened the Transportation Museum. In January 1974, Redden left State service, and he died in 1998.

7. In 1973, Arthur (Coleman) Anderson was 17 years old, and he lived with the Redden family as Redden's foster son.

8. Anderson testified in his deposition that at a time after the fire, while assisting Phillip Redden with clean up efforts, Anderson and his foster brother, Michael Redden, acquired possession of the Alaska Apollo XI plaque and the moon rocks. Anderson testified that he found the moon rocks display in debris on the floor of the Museum.

9. Both Anderson and Michael Redden cleaned and polished the plaque.

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10. According to an August 1975 memorandum, State officials at the State Museum in Juneau contacted Phillip Redden to ask about the location of the moon rocks, but Redden, who had moved out of State, did not know where the moon rocks were. Redden told the State officials he did not have the moon rocks and believed that they were still at the Transportation Museum building. When a search of the Fort Richardson facility did not reveal the moon rocks, Museum officials determined that they were missing.

11. Anderson eventually acquired sole possession of the moon rocks. When he left Alaska he took the plaque with him.

12. In the interim years, Michael Redden suffered a traumatic head injury, and he is unable to clearly recall the events related to the 1973 Transportation Museum fire.

13. On December 28, 2010, Anderson filed this quiet title action against the State, seeking to have himself declared the owner of the Alaska Apollo XI moon rock plaque. He argued that the State had abandoned the artifact. In the alternative, Anderson sought damages to repay him for his work restoring the plaque.

14. The State filed a counterclaim for damages against Anderson.

15. On November 11, 2011, in response to the State's motions to compel production and for a preliminary injunction, this court ordered Anderson to produce the plaque to NASA for authentication. This court also entered a preliminary injunction requiring the parties to allow NASA to retain custody of the plaque until trial.

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In entering the injunction, this court found that the State had demonstrated probable success on the merits and that the documentary evidence was strong evidence contrary to Anderson's theory that he had acquired title by abandonment.

16. On March 8, 2012, Anderson produced the moon rock plaque to NASA at the Johnson Space Center in Houston. The FBI, using highly-sophisticated photographic analysis, confirmed that the plaque and moon rocks were the same plaque and rocks that were depicted in early photographs of the plaque.

17. Anderson has voluntarily relinquished his claim for title to the moon rocks and for damages, and agreed to judgment that the State is the owner of the moon rocks. The State has voluntarily relinquished its counterclaim for damages.

### Conclusions of Law

1. The State of Alaska was given ownership of the Alaska Apollo XI moon rock plaque in 1969 by the federal government.

2. The State did not abandon the Alaska Apollo XI moon rock plaque after the fire at the Transportation Museum in 1973. A person who finds property is not the owner of the property. To prove abandonment, a claimant must show that the owner both intended to give up the property and took action to relinquish the property.<sup>1</sup> Here,

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<sup>1</sup> See *Kile v. Belisle*, 759 P.2d 1292, 1296-96 (Alaska 1988) (elements of abandonment are "a subjective intent to abandon coupled with an external and objective act by which that intent is carried into effect"); 1 Am. Jur. 2d, Abandoned, Lost, and Unclaimed Property § 10 (2012) ("Abandonment of property involves a conscious purpose and intention on the part of the owner neither to use nor to retake the property into his or her possession, and, necessarily, it involves an act by which the possession is

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Anderson was unsuccessful in proving that the State abandoned the moon rocks. Therefore, the State retained ownership of the Alaska Apollo XI moon rock plaque and is the owner today.

3. Anderson has no claim to ownership of the Alaska Apollo XI moon rock plaque.

### Order and Final Judgment

1. Anderson's quiet title claim and complaint for damages are dismissed with prejudice.

2. The State's counterclaim against Anderson is dismissed with prejudice.

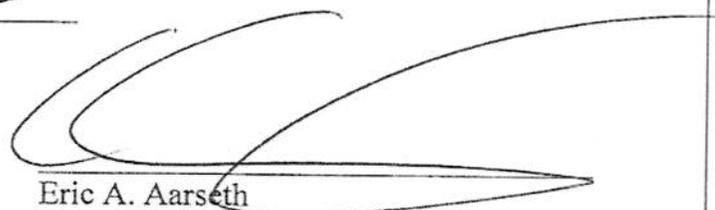
3. NASA is authorized by this court to release the Alaska moon rock plaque to an authorized employee of the Alaska State Museum.

4. Each party will bear its own fees and costs.

5. This order is final judgment in this case.

Dated: 9/27/12

I certify that on 9/28/12  
a copy was mailed to each of the following  
at their address of record:  
M. Slotnick/Harris  
Judicial Assistant / Deputy Clerk

  
Eric A. Aarseth  
Superior Court Judge

relinquished; this must be a clear, unmistakable, affirmative act which indicates a purpose to repudiate the ownership." (citations omitted)).