

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

MNP HOLDINGS, LLC, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	2007-900669
J. T. SMALLWOOD in his official capacity as Tax Collector of Jefferson County, Alabama, and BARRY STEPHENSON in his official capacity as Treasurer of Jefferson County, Alabama.)	
)	
Defendants.)	
)	
<hr style="border: 0.5px solid black;"/>		

SUMMARY NOTICE OF PROPOSED CLASS SETTLEMENT

To: All Jefferson County taxpayers whose property was sold at a tax sale for an Overbid and who have redeemed their property. You should read this Notice carefully since your rights may be affected.

This Notice is to inform you about a proposed settlement of a lawsuit brought on behalf of Jefferson County taxpayers who have redeemed property sold at tax sales. The class certified in this litigation is defined as:

All Jefferson County taxpayers whose property was sold within the 13 years before the filing of this action, or since that time, at a tax sale for delinquent ad valorem taxes owed by such owners, and which sale produced an excess over the taxes, interest, penalties and costs due, and who have redeemed said properties before a Final Judgment in this case, or other date determined by the Court.

This class shall not include claims based upon tax sales for the years between 1994 and 1998 by persons or entities who participated in *Maples v. Williams*, CV 98-05330.

During May of each calendar year, the Jefferson County Tax Collector conducts tax sales of land whose owners have failed to pay the property tax due during the preceding year. When tax sale purchasers pay more than the amount owed to the government for taxes, interest, penalties and costs, the excess funds are placed in the Redemption Fund and invested by the Jefferson County Treasurer. Under the terms of the proposed settlement, taxpayers who have paid for the redemption of properties in Jefferson County, Alabama that have been sold at tax sales are entitled to receive their *pro rata* share of the interest earned on their excess funds held by the Treasurer, net of attorney fees and litigation and settlement expenses. The accrued interest in the Redemption Fund attributable to excess funds on properties that have been redeemed that is approximately \$4 Million.

Checks for Net Distributions will automatically be sent approximately 90 days after final approval of the settlement to those Class Members who can be identified through the records of the Tax Collector, unless some other person files a claim pertaining to a putative class member's

parcel. All disputes over who is entitled to a Net Distribution will be submitted to the Judge for resolution. If you are not listed on the Tax Collector's records as having redeemed a parcel sold at a tax sale for an overbid and if you believe that you are entitled to participate in the settlement, you should file a claim no later than **May 5, 2008**. To file a claim, you must sign a completed Claim Form and file the signed Claim Form in the Jefferson County Circuit Court Clerk's Office, whose address is below. Claim forms are available at www.jeffcotaxpayers.com.

A fairness hearing has been scheduled before the Honorable Michael G. Graffeo, at Room 310, of the Jefferson County Courthouse, 716 Richard Arrington, Jr. Blvd., North, Birmingham, Alabama 35203 on **March 6, 2008 at 1:30 P.M.** to determine whether the proposed settlement is fair, reasonable and adequate and to consider the application of class counsel for attorneys' fees and reimbursement of expenses. The fairness hearing may be adjourned from time to time by the Judge and rescheduled without further written notice to the Class. At the fairness hearing, any *MNP* Class Member may appear in person or by counsel and be heard to the extent allowed by the Court in opposition to the fairness, reasonableness and adequacy of the Settlement, or the application for an award of attorneys' fees and reimbursement of expenses. Provided, however, that no person shall be entitled to appear at said hearing unless the person files with the Clerk of the Court, at Room 400, Jefferson County Courthouse, 716 Richard Arrington Jr. Blvd., Birmingham, AL 35203, notice of such person's intention to appear, together with a statement that indicates the basis for such opposition, along with any supporting documentation at least fourteen (14) days before the fairness hearing. Copies of all documents filed with the Clerk must also be mailed or delivered by hand to Class Counsel, whose addresses are set out below.

This is a summary of the terms of the Class Notice. To obtain the Class Notice, a claim form or other documents pertaining to the settlement, visit the web site www.jeffcotaxpayers.com or contact class counsel, whose addresses are set out below. Claim forms must be filed no later than **May 5, 2008** at the Office of the Clerk of the Court, Room 400, Jefferson County Courthouse, 716 Richard Arrington, Jr. Blvd., North, Birmingham, AL 35203, during regular business hours. You may also obtain additional information by contacting Class Counsel, whose names and addresses are:

David R. Donaldson
Tammy M. Stokes
DONALDSON & Guin, LLC
505 North 20th Street, Suit 1000
Birmingham, AL 35203
205-226-2282
www.dglawfirm.com
DavidD@dglawfirm.com
tammys@dglawfirm.com

W. Lewis Garrison
HENINGER GARRISON DAVIS, LLC
2224 1st Avenue North
Birmingham, AL 35203
Telephone: (205) 326-3336
Facsimile: (205) 326-3332
wlgarrison@hgdlawfirm.com
www.hgdlawfirm.com

NO INQUIRIES SHOULD BE DIRECTED TO THE JUDGE

This Notice is authorized by Order of the Honorable Michael G. Graffeo, Circuit Judge, Room 310, Jefferson County Courthouse, 716 Richard Arrington, Jr. Blvd., North, Birmingham, AL 35203.