

# Exhibit D

## CLASS ACTION SETTLEMENT NOTICE

### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

*Wayside Church, et al. v. Van Buren County, et al.*,  
Western District of Michigan,  
Case No. 1:14-cv-01274

**If you held or are the heir and successor to a Person who held a non-contingent interest in real property that was foreclosed on by a Michigan County between January 1, 2013, and December 31, 2020, for the non-payment of real property taxes, you may be entitled to a payment from a class action settlement.**

*A federal court authorized this Notice.*

- A settlement (the “Settlement”) has been proposed in the class action lawsuit referenced above pending in the United States District Court for the Western District of Michigan captioned *Wayside Church, et al. v. Van Buren County, et al.*, Case No. 1:14-cv-01274.
- This class action alleges that the Defendants violated Plaintiffs’ rights by failing to give Plaintiffs the proceeds from the sale of the tax-foreclosed properties formerly owned by Plaintiffs that exceeded the unpaid taxes, fees, and other costs associated with those properties. These claims have become known as “surplus-proceeds claims.”
- The United States District Court for the Western District of Michigan ordered the issuance of this Notice. The Defendants deny that they have done anything wrong and have defended themselves. The Court has not decided who is right. Both sides have agreed to settle the dispute to avoid burdensome and costly litigation. The Settlement offers Settlement Payments to members of the Settlement Class who file Eligible Claims.
- The Parties were able to reach this Settlement which considers the various risks identified above and seeks to end for the Counties participating in the Settlement what one court has referred to as the deluge of litigation arising from Michigan’s tax-foreclosure laws.
- You are being sent this Notice as a potential Class Member or heir of a Class Member and may be entitled to participate in the proposed Settlement. Your rights and options are detailed in this Notice, along with deadlines to act.
- Your legal rights are affected whether you act or not. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM FORM BY [DATE]</b>	If you are a member of the Settlement Class or an heir to a Class Member, you must submit a completed Claim to be eligible to receive a Settlement Payment. You may do so online at <b>www.TaxForeclosureSettlement.com</b> .
<b>EXCLUDE YOURSELF BY [DATE]</b>	You may request to be excluded from the Settlement, and if you do, you will <b>not</b> receive a Settlement Payment. The deadline to exclude yourself from the Settlement is [DATE]. Excluding yourself from the Settlement is the only way to retain your right to sue Defendants on your own over the claims alleged in the lawsuit.
<b>OBJECT BY [DATE]</b>	Write to the Court and comment on the Settlement. You are still eligible to file a Claim and still remain in the Class.
<b>GO TO THE FAIRNESS HEARING</b>	The Court has scheduled a hearing to evaluate the fairness of the Settlement and Lead Counsel’s request for attorneys’ fees and reimbursement of costs to take place on [DATE], at <b>xx:00 a/p.m.</b> (the “Fairness Hearing”). You may attend the hearing at your own expense, but it is not necessary. You may ask to speak in court about the fairness of the Settlement if you did not exclude yourself, but you must first notify counsel.
<b>DO NOTHING</b>	You will <b>not</b> receive a Settlement Payment if you fail to timely submit an Eligible Claim and you will give up your right to bring your own lawsuit about the claims in this case, but you will still be bound by all decisions the Court makes in this matter addressing these claims.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still must decide whether to approve the Settlement. If it does, and after any appeals are resolved, Settlement Payments will be distributed to those who submit Eligible Claims. Please be patient.

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## BASIC INFORMATION

### 1. Why was this Notice issued?

The Court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit. You have legal rights and options that you may exercise before the Court decides whether to give final approval to the Settlement, as described below.

### 2. What is the lawsuit about?

Wayside Church, Henderson Hodgens, and others (the “Plaintiffs”) allege that Defendants violated their rights by failing to give Plaintiffs the proceeds from the sale of the tax-foreclosed properties formerly owned by Plaintiffs that exceeded the unpaid taxes, fees, and other costs associated with those properties. These claims have become known as “surplus-proceeds claims.” Plaintiffs here were among the first to assert a putative class action for surplus proceeds in Michigan. Defendants deny Plaintiffs’ allegations.

For additional information about the claims, arguments, and history of the case, you may view the pleadings and other important documents filed in the case at [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com). The complete docket or court file can be reviewed via the Court’s electronic docket known as PACER at [www.miwd.uscourts.gov](http://www.miwd.uscourts.gov), but you must register for an account and pay fees to review filings. You may also review the docket online for free by visiting any of the court’s locations. The addresses and rules governing courthouse entry are also available at [miwd.uscourts.gov](http://miwd.uscourts.gov).

### 3. What is a class action and who is involved?

In a class action, one or more people called “class representatives” sue on behalf of a group of people who may have similar claims. The people together are a “class” or “class members.” The individuals who sue—and all the class members like them—are called the plaintiffs. The entities that they sue (in this case, all of the counties in Michigan’s Upper Peninsula and the western half of Michigan’s lower peninsula except Branch, Clinton, Charlevoix, Keweenaw, Luce, and Mecosta Counties) are called the “Defendants”. In a class action, the Court resolves the issues for all class members, except for those who exclude themselves from the class. The Court has decided that this lawsuit can be a class action because it meets the procedural requirements which govern class actions.

#### 4. Why is there a settlement?

The Court has not found in favor of Plaintiffs or Defendants. Instead, the Parties have agreed to a Settlement. By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, the Settlement Class will receive the benefits described in this Notice. Defendants deny all legal claims in this case but are settling to avoid the uncertainties and costs attendant with litigation. Plaintiffs and their lawyers think the proposed Settlement is best for everyone who is affected.

## WHO IS PART OF THE SETTLEMENT?

#### 5. Am I part of the Class and included in the Settlement?

The Class includes the following individuals: “All Persons, their heirs and successors, who held a non-contingent interest in an Eligible Property at the time that property was foreclosed on by a County and which was sold between January 1, 2013 and ending on December 31, 2020 by that County.” (Common examples of non-contingent interests in real estate include ownership and any type of lien.)

All counties of Michigan’s Upper Peninsula and all counties in the western half of Michigan’s lower peninsula, except for Branch, Charlevoix, Clinton, Keweenaw, Luce, and Mecosta Counties, are included in the Settlement. Here are the counties agreeing to the proposed Settlement:

- Alger County
- Allegan County
- Antrim County
- Baraga County
- Barry County
- Benzie County
- Berrien County
- Calhoun County
- Cass County
- Chippewa County
- Delta County
- Dickinson County
- Eaton County
- Emmet County
- Gogebic County
- Grand Traverse County
- Hillsdale County
- Houghton County
- Ingham County
- Ionia County
- Iron County
- Kalamazoo County
- Kalkaska County
- Kent County
- Lake County
- Leelanau County
- Mackinac County
- Manistee County
- Marquette County
- Mason County
- Menominee County
- Missaukee County
- Montcalm County
- Muskegon County
- Newaygo County
- Oceana County
- Ontonagon County
- Osceola County
- Ottawa County
- Saint Joseph County
- Schoolcraft County
- Van Buren County
- Wexford County

For specific definitions of County Settlement Sub-Classes, please see the Settlement Agreement, available on the Settlement website at [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com).

**6. What if I'm still not sure I am a Class Member?**

If you are still not sure whether you are included or you have additional questions, you can review the FAQs on the Settlement website, [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com), or call the Claims Administrator toll-free at **1-833-709-0093**.

**THE SETTLEMENT BENEFITS**

**7. What does the Settlement provide?**

In consideration for the Settlement and the release and bar order contained in Paragraph 5 of the Settlement Agreement, each Class Member who submits a valid claim will usually receive 80% of the surplus proceeds from the sale of the property less the amount the court awards to cover attorney's fees and costs. If more than one valid claim is made for surplus proceeds from a property, the total amount available to pay claims connected with that property will be 80% of the surplus proceeds less the court-awarded attorney fees and costs. The total amount cannot be calculated until all claims have been submitted and validated.

**8. How do I file a claim?**

To qualify for a Settlement Payment, you must complete and submit a Claim. You can file your Claim online at [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com) or send it by U.S. Mail to:

*Wayside Church v. Van Buren County*  
c/o Kroll Settlement Administration  
P.O. Box 225391  
New York, NY 10150-5391

**The deadline to submit a Claim Form is [TIME] on [DATE].**

No matter which method you choose to file your Claim, please read the claim form carefully and provide all the information required.

**9. When will I receive my Settlement Payment?**

Settlement Payments to Class Members will be made only after the Court grants final approval to the Settlement and after any appeals are resolved (*see* "Fairness Hearing" below). If there are appeals, resolving them can take time. Please be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 10. How do I get out of the Settlement?

If you do not wish to be eligible for a Settlement Payment, and you want to keep the right to sue Defendants on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself – or it is sometimes referred to as “opting-out” of the Class.

To exclude yourself individually from the Settlement, you must send a timely letter by mail to:

*Wayside Church v. Van Buren County*  
c/o Kroll Settlement Administration – Exclusion Request  
P.O. Box 225391  
New York, NY 10150-5391

Your request to be excluded from the Settlement must include the following: (i) name; (ii) current mailing address; (iii) telephone number; (iv) address, parcel number, and/or legal description of the Eligible Property; (v) County in which the Eligible Property is located; (vi) year of post-foreclosure sale of Eligible Property; and (vii) a statement that the Eligible Claimant wishes to be excluded from the Settlement Class. Any request for exclusion must be signed by the person or entity requesting exclusion (not by an attorney). Absent excluding yourself or “opting-out” you are otherwise a member of the Settlement Class.

**Your exclusion request must be postmarked by [DATE].**

You cannot ask to be excluded on the phone, by email, or at the website. Opt-outs must be made individually and cannot be made on behalf of other members of the Settlement Class.

### 11. If I do not exclude myself, can I sue the Defendants for the same thing?

No. Unless you exclude yourself, you give up the right to sue Defendants for the claims that the Settlement resolves. You must exclude yourself from this Settlement to pursue your own lawsuit.

### 12. What am I giving up by staying in the Settlement Class?

Unless you opt-out of the Settlement, you cannot sue or be part of any other lawsuit against Defendants about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com). The Settlement Agreement provides more detail regarding the Release and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully.



**13. If I exclude myself, can I still get a Settlement Payment?**

No. You will not get a Settlement Payment from the Settlement Fund if you exclude yourself from the Settlement.

**THE LAWYERS REPRESENTING YOU**

**14. Do I have a lawyer in the case?**

The Court has appointed Fink Bressack, James Shek, and Lewis, Reed, & Allen PC to represent the Class. They are called “Lead Counsel.” They are experienced in handling similar class action cases. You may contact Lead Counsel using the information below:

Fink Bressack 38500 Woodward Ave. Suite 350 Bloomfield Hills, MI 48304 (248) 971-2500 <a href="http://www.finkbressack.com">www.finkbressack.com</a>	James Shek P.O. Box A Allegan, MI 49010 (269) 673-6125	Lewis, Reed, & Allen PC 136 East Michigan Ave Ste. 800 Kalamazoo, MI 49007 (269) 388-7600 <a href="http://www.lewisreedallen.com">www.lewisreedallen.com</a>
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**15. Should I get my own lawyer?**

You are not required to hire your own lawyer because Lead Counsel is working on your behalf. If you want to hire your own lawyer, you certainly can, but you will have to pay that lawyer yourself. If you do hire your own lawyer, they may enter an appearance for you and represent you individually in this case.

**16. How will the lawyers be paid?**

You do not have to pay Lead Counsel, or anyone else, to participate. Instead, Lead Counsel intend to apply for a fee award equal to 20% of the amount to be paid by Court order to each Eligible Claimant, which amount shall be deducted from each Class Member’s distribution. The Defendants will not object to that application.

## OBJECTING TO THE SETTLEMENT

### 17. How do I tell the Court if I do not like the Settlement?

If you are a member of the Settlement Class (and do not exclude yourself from the Class), you can object to any part of the Settlement by sending a timely letter by mail to:

*Wayside Church v. Van Buren County*  
c/o Kroll Settlement Administration - Objections  
P.O. Box 225391  
New York, NY 10150-5391

Your letter must include the following:

- 1) A caption or title that identifies it as “Objection to Class Settlement in *Wayside Church, et al. v. Van Buren County, et al.*, Case No. 1:14-cv-01274”;
- 2) Your name, current address, and telephone number;
- 3) The name, address, and telephone number of any attorney for you with respect to the objection;
- 4) The factual basis and legal grounds for the objection, including any documents sufficient to establish the basis for your standing as a Class Member;
- 5) Identification of the case name, case number, and court for any prior class action lawsuit in which you and/or your attorney (if applicable) has objected to a proposed class action settlement; and

**Your objection must be postmarked by [DATE].**

### 18. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

## THE FAIRNESS HEARING

### 19. When and where will the Court decide whether to approve the Settlement?

The Court has scheduled a Fairness Hearing at [TIME] on [DATE], at [LOCATION].

The hearing may be moved to a different date or time without additional mailed notice, so it is a good idea to check [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com) for updates periodically. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court

will also consider the requests by Lead Counsel for attorneys' fees and expenses. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

**20. Do I have to attend the hearing?**

No. Lead Counsel will answer any questions the Court may have. You are welcome to attend the hearing at your own expense.

**21. May I speak at the hearing?**

If you attend the Fairness Hearing, you may ask the Court for permission to speak if you have timely objected and you so choose. However, you cannot speak at the hearing if you exclude yourself from the Settlement.

**IF YOU DO NOTHING**

**22. What happens if I do nothing at all?**

If you are a member of the Settlement Class and do nothing, meaning you do not file a timely Claim, you will **not** get a Settlement Payment. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

**GETTING MORE INFORMATION**

**23. Where do I get more information?**

For more information, you may contact the Claims Administrator toll-free at **1-833-709-0093** or write to the Claims Administrator at *Wayside Church v. Van Buren County*, c/o Kroll Settlement Administration, P.O. Box 225391, New York, NY 10150-5391. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at [www.TaxForeclosureSettlement.com](http://www.TaxForeclosureSettlement.com).

**- PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE  
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS -**