

THIS IS AN IMPORTANT NOTICE ABOUT THE *TOLAND V. NATIONSTAR* CLASS ACTION SETTLEMENT

Your Rights Are Affected Even If You Do Not Act. Please Read This Notice Carefully.

The Court directed that this notice be sent to inform you about a proposed class action Settlement in *Toland v. Nationstar* because you may be a class member entitled to benefits. The Settlement is only proposed and must be approved by the Court before it can become effective.

The case is *Toland v. Nationstar* in the United States District Court for the Northern District of California, Case No. 3:17-cv-02575-JD. The case challenges the practices of Nationstar Mortgage LLC and Veripro Solutions Inc. in allegedly attempting to collect balances on California purchase money second mortgages and home equity credit lines after foreclosure and short sales. The case also challenges Nationstar’s practices in reporting such loans to the credit reporting agencies after a foreclosure or short sale has taken place. A “short sale” happens when a lender approves your sale of your property to another person for less than the amount owed on your loan or loans. Defendants strongly deny any claims of wrongdoing but have agreed to settle the lawsuit to avoid the burden and cost of further litigation.

The proposed Settlement provides for two Subclasses, a **Collection Letter Subclass** and a **Credit Reporting Subclass**. You may be a member of either or both Subclasses:

Collection Letter Subclass: You are a member of this Subclass if you obtained a second mortgage, or home equity line of credit, secured by a deed of trust on property located in California (a) to purchase a home (b) of four units or fewer and which (c) was occupied entirely or in part by you, and, (d) after a foreclosure or short sale of the home, Defendants sent you certain Collection Letter(s) between March 24, 2013 and January 8, 2021.

Credit Reporting Subclass: You are a member of this Subclass if you had a purchase money second mortgage, or home equity line of credit as defined above, and Nationstar reported that loan to one or more of the credit reporting agencies as having an outstanding balance owing and/or otherwise as currently delinquent following a foreclosure or short sale between March 24, 2013 and January 8, 2021.

A SUMMARY OF YOUR RIGHTS AND CHOICES		
You May:	Summary:	DEADLINE for you to comply:
Collection Letter Subclass Members Receive Benefits Automatically	<p>If you are a member of the Collection Letter Subclass, Defendants will pay you the sum of \$150 automatically. If you paid any amounts to Veripro on the loan after a Collection Letter was sent, you will also automatically be refunded those amounts. Defendants also agree to make no further attempts to collect on the loans of Collection Letter Subclass Members and will not sell or assign those accounts to any third party.</p> <p>You do not need to do anything to receive these benefits. If Nationstar previously serviced your loan, you are also automatically a member of the Credit Reporting Subclass and automatically entitled to credit reporting updates under the Settlement without having to submit a Claim Form. <u>For more details: see FAQ 1 below.</u></p>	None

<p>Submit a Claim Form to Recover Credit Reporting Relief</p>	<p>If you are a Credit Reporting Subclass Member who is not a member of the Collection Letter Subclass (whose loan was previously serviced by Nationstar), you must complete and submit the accompanying Claim Form in order to obtain the credit reporting relief. If you qualify for credit reporting relief, Defendants also agree to make no further attempts to collect on your loan and will not sell or assign those accounts to any third party.</p> <p>By the date indicated in the box directly on the right, you must either mail or email your signed and fully completed Claim Form to the addresses listed on the Claim Form. You may also fill out the Claim Form and submit it online at TolandNationstarSettlement.com. If you do not timely submit a valid Claim Form, Nationstar will not submit any credit reporting changes for you, and you will be bound by the terms of the Settlement Agreement and Final Judgment. <u>For more details: see FAQs 2 & 3 below.</u></p>	<p>March 10, 2022</p>
<p>Ask to Be Excluded</p>	<p>You can exclude yourself from the Settlement by signing and mailing in a notice of intention to opt out of the Settlement to the Settlement Administrator. If you do so, you will not be eligible to receive any benefits from the Settlement and will not be bound by the Settlement Agreement or the Final Approval Order and Judgment. But you will retain the right to sue Defendants on your own regarding any claims that are part of the Settlement. <u>For more details: see FAQ 5 below.</u></p>	<p>March 10, 2022</p>
<p>Submit an Objection</p>	<p>You may remain a Settlement Class Member and object to the Settlement. If the Settlement is approved over your objection, however, you will be bound by the Settlement and give up your right to sue on your own regarding any claims that are part of the Settlement. <u>For more details: see FAQ 6 below.</u></p>	<p>March 10, 2022</p>

FOR MORE INFORMATION AND ANSWERS TO YOUR QUESTIONS

You will find answers to Frequently Asked Questions on the following pages.

You can visit the Settlement website at www.TolandNationstarSettlement.com.

You can call the Interactive Voice Response information line at 1-833-667-1229.

You can contact Class Counsel at yes@yesquire.com or 866-576-4999.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

This notice is only a summary of the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.TolandNationstarSettlement.com. You may also obtain the Settlement Agreement by contacting Class Counsel at yes@yesquire.com or 866-576-4999, by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 1:00 p.m., Monday through Friday, excluding Court holidays.

Questions? Visit www.TolandNationstarSettlement.com or call toll-free 1-833-667-1229

FREQUENTLY ASKED QUESTIONS (FAQS) AND ANSWERS

The following FAQs are addressed below:

1. **What are the terms of the proposed Settlement?**
2. **Why would I have to submit a Claim Form, and how do I do it?**
3. **What is the credit reporting relief?**
4. **If I remain in the Settlement Class, what do I give up?**
5. **How do I exclude myself from the Settlement Class?**
6. **Can I object to the Settlement?**
7. **When is the Final Approval Hearing?**
8. **What if I want to attend the Final Approval Hearing?**
9. **Does the Settlement Class have a lawyer?**
10. **How will Class Counsel be paid?**
11. **Will the Class Representatives receive any payments in addition to the Settlement Benefits?**
12. **How can I get more information?**

1. **What are the terms of the proposed Settlement?**

This Notice provides a summary of some, but not all, of the terms of the Settlement Agreement. Please visit www.TolandNationstarSettlement.com to see and obtain a copy of the entire Settlement Agreement. The Settlement Agreement must be approved by the Court and become “Final” before any payments or other benefits are given.

The key terms of the proposed Settlement are as follows:

Defendants will automatically pay each member of the Collection Letter Subclass \$150.

Defendants will automatically refund to each member of the Collection Letter Subclass any amounts paid to Veripro on the loan after a Collection Letter was sent.

Defendants agree to make no further attempts to collect on the loans of the qualifying members of both Subclasses and will not sell or assign those accounts to any third party.

If you qualify under the Settlement, Nationstar will submit requests to the credit bureaus to update the reporting of your loan to reflect a zero current balance and zero amount past due. Depending on your circumstances, this may improve your credit score. However, unless you are a member of the Collection Letter Subclass and your loan was previously serviced by Nationstar, you must qualify for and request this update by filling out and timely submitting the accompanying Claim Form. If you do not timely submit a completed Claim Form, Nationstar will not request any credit reporting change for you, even though you will still be bound by the terms of the Settlement.

You give up all of your claims against Nationstar, Veripro, their corporate affiliates, and personnel based on the Collection Letters and credit reporting at issue in this case. All of those claims will be released, which means that you will not be able to continue any lawsuit or initiate any future lawsuit on those claims.

Class Counsel will apply to the Court for an award of attorney's fees and expenses of litigation of up to \$390,000. The Court will determine the amount of any such award.

Class Counsel will apply for service awards for each of the two Class Representatives in the amount of \$5,000 each. The Court will determine the amount of any such award.

2. Why would I have to submit a Claim Form, and how do I do it?

If you are not a member of the Collection Letter Subclass or your loan was not previously serviced by Nationstar, you must submit the accompanying Claim Form in order to determine whether you qualify for the updates to your credit report under the proposed Settlement. If you qualify for credit reporting changes, Defendants also agree to make no further attempts to collect on your loan and will not sell or assign those accounts to any third party. If you do not timely submit a completed Claim Form, your credit report will not be updated and you will still be bound by the terms of the Settlement. This means you forfeit your right to sue Defendants in the future about the claims at issue in this lawsuit.

If you are a Credit Reporting Subclass Member, you may submit a Claim Form in one of the following three ways: 1) By mailing (either through the United States Postal Service or through a private mail carrier, such as UPS or Federal Express, provided that it is postmarked or the proof of the mail date is otherwise reflected on the label of the mailing) to the Settlement Administrator no later than March 10, 2022; 2) By emailing the Claim Form to the Administrator at info@TolandNationstarSettlement.com on a date no later than March 10, 2022; or 3) By submitting the Claim Form online at www.TolandNationstarSettlement.com on or before March 10, 2022. **The mailing and email addresses for sending the Claim Form are listed on the Claim Form.**

3. What is the credit reporting relief?

If the Court grants final approval of the Settlement, Nationstar will, for all eligible Collection Letter Subclass Members and Credit Reporting Subclass Members, request that the credit reporting agencies to which it reports update their reporting for all such accounts to a current outstanding loan balance and current amount past due of zero dollars, if your Nationstar account continues to appear on your credit reports. This may improve your credit score, depending on your circumstances. The specific information that Nationstar will report is as follows:

- For Credit Reporting Subclass Members whose properties were sold at foreclosure sales, Nationstar will agree to report such loans with an Account Status of 97 and a current outstanding loan balance and current amount past due of zero dollars.
- For Credit Reporting Subclass Members whose properties were sold at short sales, Nationstar will request that the loans be reported in accordance with FAQ 53 of the Credit Reporting Resources Guide. Specifically, Nationstar will request that such loans be reported with Account Status of either 13 or 65 as appropriate under the Guide, Special Comment Code AU, and a current outstanding loan balance and current amount past due of zero dollars.

4. If I remain in the Settlement Class, what do I give up?

If you remain in the Settlement Class, you give up your right to sue in court or arbitration or be part of any other lawsuit or arbitration against Defendants or their affiliates based on any of the Collection Letters and/or the credit reporting qualifying you for Class membership.

5. How do I exclude myself from the Settlement Class?

You may exclude yourself (“opt out”) from the Settlement Class by timely submitting an exclusion or “opt out” request to the Settlement Administrator. The notice must (1) be postmarked on or before the March 10, 2022; (2) include the Class Member’s name, address, and telephone number; (3) be personally signed and dated by the Class Member; and (4) contain a clear request that the Class Member would like to opt out or be excluded, by use of those or other words clearly indicating a desire not to participate in the Settlement.

You can download an Exclusion Request Form from the Settlement website, www.TolandNationstarSettlement.com, but are not required to use that form, as long your exclusion request complies with the requirements listed above.

If you choose to exclude yourself from the Settlement, please mail your notice to the following address:

Toland v. Nationstar Settlement
c/o JND Legal Administration
PO Box 91232
Seattle, WA 98111

Your exclusion request must be postmarked **no later than March 10, 2022**. If you exclude yourself from the Settlement, you cannot object to the Settlement, and you will **not** receive any money or other benefits from the Settlement.

6. Can I object to the Settlement?

Yes, but **not** if you exclude yourself from the Settlement Class. You can ask the Court to deny settlement approval by filing an objection. You can’t ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments or credit reporting relief will be provided, and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must be submitted to the Court either by mailing them to the address below or by filing them in person at any location of the United States District Court for the Northern District of California. **All objections must be mailed or postmarked on or before March 10, 2022.**

The address to mail your Objections is below:

Class Action Clerk
United States District Court for the Northern District of California
450 Golden Gate Avenue, Box 36060
San Francisco, California 94102

Your written objections must contain all of the following information to be considered by the Court:

- (1) your full name, current address, and telephone number;
- (2) the last four digits of your loan number, and/or your Claim ID as set forth on the Class Notice;
- (3) the case name and number (*Toland v. Nationstar Mortgage LLC*, Case Number 3:17-cv-02575-JD),
- (4) a statement of the position you wish to assert, including the factual and legal grounds for your objections;
- (5) the identity of any witnesses that you may ask the Court to allow to testify in support of your objections and a summary of their testimony;
- (6) the name(s) of any attorney(s) representing you; and
- (7) copies of all documents that you wish to submit in support of your position.

All objections that are timely filed with the Court will be considered at the Final Approval Hearing on April 21, 2022 at 10:00 a.m. If you do not file an objection, you waive your right to appeal any Court order or judgment related to the Settlement. If the Settlement is ultimately approved over your objection, you will be bound by the Settlement and give up your right to sue on your own regarding any claims that are released under the Settlement.

Instructions for how to appear remotely at the Final Approval Hearing can be found on the Court's website, <https://apps.cand.uscourts.gov/telhrq/>, a few days before the scheduled hearing date. **You may also contact Class Counsel for information as set forth in FAQ 12 below.**

7. When is the Final Approval Hearing?

The Court will hold a Final Approval Hearing on April 21, 2022, at 10:00 a.m. in Courtroom 11 of the United States District Court for the Northern District of California, the Honorable James Donato presiding, located at 450 Golden Gate Avenue, 19th Floor, San Francisco, California 94102. The Final Approval Hearing may take place by Zoom or other video technology due to the COVID-19 emergency.

The date of the Final Approval Hearing may change, so please refer to the Settlement website www.TolandNationstarSettlement.com and/or the Court's website, <https://apps.cand.uscourts.gov/telhrq/>, to confirm the date and time of the Final Approval Hearing and how to attend the hearing remotely. At the Final Approval Hearing, the Court will consider if: (1) the Settlement is fair, reasonable, and adequate; (2) the Settlement should be approved; (3) any objections to the Settlement and, if so, whether those are valid; (4) the amount of any Service Award for the Class Representatives; and (5) the amount of any attorney's fees and costs to be awarded for Class Counsel.

8. What if I want to attend the Final Approval Hearing?

Your attendance at the Final Approval Hearing is not required. However, you or your attorney may attend the hearing at your own expense. At this time, the Court is conducting all civil motion hearings remotely. Check the Court website a few days before the scheduled hearing to see if you can view or listen to the hearing remotely: <https://apps.cand.uscourts.gov/telhrq/>. **You may also contact Class Counsel for information as set forth in FAQ 12 below.**

9. Does the Settlement Class have a lawyer?

Yes. The Court appointed the Kemnitzer Barron & Krieg LLP and Housing and Economic Rights Advocates to represent you and the other Settlement Class Members. They are called “Class Counsel.” You will not be charged for their services.

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Oakland, CA 94611
arthur@yesquire.com

Kristin Kemnitzer
KEMNITZER, BARRON & KRIEG LLP
42 Miller Avenue, Third Floor
Mill Valley, CA 94941
kristin@kbklegal.com

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, you may hire an attorney at your own expense to represent you and speak on your behalf.

10. How will Class Counsel be paid?

Class Counsel will apply to the Court for an award of Attorneys’ Fees and Expenses not to exceed \$390,000, for all services provided on behalf of the Class Representatives and the Settlement Class. Any amount awarded will be paid separately by Defendants and will not reduce your benefits under the settlement. The Court will determine the amount of the award.

You can view and download Class Counsel’s fee request on the Settlement website, www.TolandNationstarSettlement.com.

11. Will the Class Representatives receive any payments in addition to the Settlement Benefits?

Class Counsel will apply to the Court for a Service Award for each of the two Class Representatives, not to exceed five thousand dollars (\$5,000) per Class Representative, in recognition of their service to the Class, in addition to any other relief to which they are entitled as a Settlement Class Member. Any amount awarded will be paid separately by Defendants and will not reduce your benefits under the settlement. The Court will determine the amount of the award.

MORE INFORMATION

12. How can I get more information?

If you have questions, you may obtain more information as follows:

Visit the Settlement website: www.TolandNationstarSettlement.com. You can view and download complete copies of the Settlement Agreement and other relevant court filings, obtain an electronic version of this Notice, and obtain an Exclusion Request Form.

Call the Interactive Voice Response informational line at 1-833-667-1229.

Contact Class Counsel at yes@yesquire.com or 866-576-4999.

Access the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 1:00 p.m., Monday through Friday, excluding Court holidays.

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