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18 VERIPRO SOLUTIONS INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 TAQUELIA WASHINGTON TOLAND and
GEORGIA TOLAND, individually and on
22 behalf of All Others Similarly Situated,

23 Plaintiffs,
24 vs.

25 NATIONSTAR MORTGAGE LLC, a
Delaware limited liability company;
26 VERIPRO SOLUTIONS INC., a Delaware
corporation; and DOES 1 through 20,

27 Defendants.
28

Case No. 3:17-cv-02575-JD

**JOINT STATEMENT ADDRESSING
COURT'S QUESTIONS RELATED TO
MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS
ACTION SETTLEMENT [DKT. NO. 120]**

Action Filed: March 24, 2017

1 Pursuant to the Court’s Order dated April 15, 2021 (*see* Dkt. no. 120), plaintiffs Taquelia
2 Washington Toland and Georgia Toland and defendants Nationstar Mortgage LLC and Veripro
3 Solutions Inc. submit this joint statement addressing the questions and issues raised by the Court
4 at the April 15, 2021 hearing on the motion for preliminary approval of the proposed class action
5 settlement:

6 **A. How Members of the Credit Reporting Subclass Will Be Identified.**

7 The proposed class action definition for the credit reporting subclass is as follows¹:

8 All natural persons who obtained a second mortgage, or home equity line of credit,
9 secured by a deed of trust on property located in California

10 (a) to secure payment of the purchase price of a dwelling

11 (b) for not more than four families and which

12 (c) was occupied entirely or in part by the purchaser, and, after a foreclosure
or short sale of the dwelling, any of the defendants

13 ...

14 (2) reported such person’s second mortgage loan or home equity line
15 of credit to one or more of the credit reporting agencies Experian,
16 Equifax, or TransUnion as having an outstanding balance owing
and/or otherwise as currently delinquent within the Class Period (“the
Credit Reporting Subclass”).

17 The members of the credit reporting subclass will be identified by Nationstar first
18 conducting a search of its electronic records for all junior loans or home equity lines of credit
19 secured by property in California that were charged off during the Class Period. (SAR ¶ 2.2(a) [a
20 copy of the SAR is attached as Exhibit A to the Kristin Kemnitzer filed as Doc. No. 117-1].) This
21 represents the outer limit of junior loans that could have had a foreclosure or short sale during the
22 class period. Nationstar estimates there will be 7,000 to 8,000 such loans.

23 Next, for each such loan identified by Nationstar, Veripro will order a CoreLogic Property
24 Lien Securitization Scrub to determine whether or not the property currently remains secured by
25

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¹ These elements are based on California Code of Civil Procedure section 580b(a)(3), which sets forth the prohibition on deficiency judgments for so-called “purchase money loans.”

1 the lien of the junior mortgage or home equity line of credit so charged off by Nationstar.² (SAR ¶
 2 2.2(b).) Loans that are confirmed as secured will be excluded from the Credit Reporting subclass.
 3 (*Id.*) Loans that are unsecured or inconclusive would be included in the credit reporting subclass.
 4 (SAR ¶ 2.2(c).) Additionally, all members of the collection letter subclass will be included in the
 5 credit reporting subclass. (*Id.*)

6 **B. A Claim Form Is Needed to Confirm Whether Any Individual Is a Member of the**
 7 **Credit Reporting Subclass Is Entitled to Credit Reporting Relief.**

8 The process of elimination described above will identify the outer universe of borrowers
 9 who may fall within the credit reporting subclass definition. A claim form is still needed because
 10 Defendants do not have reliable data to verify other elements of the class definition. As a result,
 11 the settlement requires credit reporting subclass members to self-identify via the claim form.

12 Because of these limitations on Defendants' data, Defendants cannot reliably determine
 13 from automated queries of their data whether or not a borrower occupied the property he or she
 14 purchased "entirely or in part," or whether or not less than four families used the property. A claim
 15 form is needed for borrowers to self-identify whether they meet these two elements.

16 While some information about a loan is kept in such a way that it can be searched, this
 17 information is often missing and unreliable. Defendants did not originate most of loans at issue
 18 and so necessarily rely on data provided by the loans' originators or prior servicers. Defendants
 19 cannot verify whether that data is accurate without searching individual scanned documents for
 20 each of the thousands of potential loans, and the origination file for each loan can consist of
 21 hundreds if not thousands of pages (for example, loan applications, title reports, settlement and
 22 escrow documents). Given the expected size of the credit reporting subclass, the parties believe
 23 that it is not economically feasible for them to conduct manual and individualized searches for this

24 _____
 25 ² CoreLogic is a data and analytics vendor that provides real property and mortgage data. In this
 26 case, the report from CoreLogic will be based on public real property records primarily used to
 27 determine if ownership of a property has changed in such a way to indicate a foreclosure of a
 28 senior lien or a short sale may have taken place. Nationstar cannot reliably determine whether any
 foreclosure or short sale has taken place from an automated query of its records, Defendants
 believe the CoreLogic report, which is a widely accepted and used resource, is the most effective
 way to determine whether or not a junior loan remains secured.

1 information.³

2 In sum, because the credit reporting subclass is expected to be 6,000-7,000 borrowers and
 3 the parties cannot economically identify them through an automated process within the parameters
 4 of the settlement, a claim form is needed to identify the subclass members that are entitled to the
 5 credit reporting relief.⁴ Where identification of all class members is not possible or would be
 6 prohibitively expensive, use of claim forms to allow self-identification by class members in
 7 settlement proceedings is appropriate. *See, e.g., Lewert v. Boiron USA, Inc.*, 2014 U.S. Dist.
 8 LEXIS 199486, at *14 (C.D. Cal. Nov. 5, 2014) (holding self-identifying questionnaire
 9 appropriate for class-action settlement, and “a rule rejecting self-identification would bar class
 10 actions in the very cases where class actions are most needed—where a large group of consumers
 11 each suffers a small harm.”)

12 **C. Whether the Members Of The Credit Reporting Subclass Are Unlikely to Submit**
 13 **Claim Form.**

14 As explained in this section, the parties believe that the credit reporting relief under
 15 settlement provides strong incentives for members of the credit reporting subclass to submit
 16 claims, given the nature of the claim at issue and the valuable relief being made available.
 17 However, the parties are also proposing certain changes to the notice and claims process, as
 18 detailed in the next section, to address the Court’s desire to incentivize claims.

19 While some courts have criticized claim forms as a tool for defendants to pay only a
 20 fraction of the announced class action settlement (where a cash payment is determined solely by
 21 claims filed), this is not the case here. Because the relief provided here to the credit reporting
 22 subclass is solely non-monetary relief (a credit reporting update), the claim form is not an
 23 instrument to limit Defendants’ payment. Instead, as discussed, it is required to help subclass

24 _____
 25 ³ By contrast, the collection letter subclass consists of 677 potential loans, and a manual review of
 26 the relevant records by Defendants, while still time consuming and costly, is more feasible. (See
 SAR ¶ 2.1.)

27 ⁴ Defendants contend that if this were a litigated certification motion, such manageability and/or
 28 predominance concerns would preclude certification. Plaintiffs disagree. However, in a settlement
 context, the parties agree that a claim form is appropriate for credit reporting subclass members to
 self-identify in order to determine whether they are entitled to the credit reporting relief.

1 members self-identify.

2 As far as whether credit reporting subclass members are less likely to submit a claim form
 3 because there is no monetary relief component, the parties believe that credit reporting relief is
 4 increasingly an important (or even the primary) form of consideration for consumers in class
 5 action settlements. *See, e.g., In re Equifax Inc. Customer Data Sec. Breach Litig.*, 2020 U.S. Dist.
 6 LEXIS 7841, at *152 (N.D. Ga. Jan. 13, 2020) (approving class action settlement involving out of
 7 pocket damages traceable to data breach, credit monitoring services, and alternative cash
 8 compensation, subject to a cap, but only for class members who already have credit monitoring or
 9 protection services in place); *Ciccarone v. B.J. Marchese, Inc.*, 2004 U.S. Dist. LEXIS 26489, at
 10 *22 (E.D. Pa. Dec. 14, 2004) (approving class action which included subclass of plaintiffs who
 11 received only equitable relief in the form of requests to credit reporting agencies to delete
 12 allegedly unauthorized credit inquiries).

13 The parties believe that most consumers—particularly those who own or owned real
 14 estate—are in fact interested in their credit scores and will be motivated to improve those scores
 15 where possible. Both federal and state law provide mechanisms for challenging alleged
 16 inaccuracies on credit reports, demonstrating that both Congress and the California Legislature
 17 believe that consumers will act to improve their credit scores. *See* 15 U.S.C. § 1681i(a)(2); Cal.
 18 Civ. Code § 1785.16(a). The FTC encourages consumers to check their credit reports for
 19 inaccuracies and the FCRA requires the three national credit bureaus to provide a free credit report
 20 annually to each consumer. <https://www.consumer.ftc.gov/articles/0155-free-credit-reports>; [15
 21 U.S.C. § 1681j(a). Industry studies show that consumers are increasingly knowledgeable about
 22 credit scoring and likely to access their own credit scores.⁵ Given consumers' increasing
 23 awareness of the importance of credit scores, the parties do not believe that members of the credit
 24 reporting subclass are unlikely to submit a claim form or take action that could result in an

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26

27 ⁵ *See, e.g.,* [https://consumerfed.org/press_release/survey-shows-an-increasing-number-of-](https://consumerfed.org/press_release/survey-shows-an-increasing-number-of-consumers-have-obtained-their-credit-scores-and-know-much-more-about-credit-scores/)
 28 [https://www.usatoday.com/story/money/2020/02/11/credit-score-more-than-half-americans-check-](https://www.usatoday.com/story/money/2020/02/11/credit-score-more-than-half-americans-check-monthly/4715077002/)
[monthly/4715077002/](https://www.usatoday.com/story/money/2020/02/11/credit-score-more-than-half-americans-check-monthly/4715077002/)

1 improvement of their own credit profile.

2 Finally, as explained in the joinder filed by Defendants to Plaintiffs' motion for
3 preliminary approval, there are significant hurdles to Plaintiffs obtaining any relief whatsoever for
4 allegedly inaccurate credit reporting under the California Credit Reporting Agencies Act
5 ("CCRAA"). Defendants believe they have particularly strong defenses to any award of damages
6 under the CCRAA. The credit reporting relief for the credit reporting subclass appropriately
7 recognizes this risk.

8 **D. The Parties Propose Simplification of the Class Notice and Claim Form, an Online**
9 **Claim Form Process, and a Reminder Postcard All in an Effort to Increase the**
10 **Claims Rate**

11 The Court ordered the parties to file new, simplified class notices and claim forms and to
12 address the Court's concern that Credit Reporting Subclass members may be unlikely to file claim
13 forms. The parties propose to address the Court's concerns with the following changes to the
14 notice and claims process:

15 **1. Simplified Class Notice and Claim Form**

16 Attached hereto as Exhibit A is a clean copy of the revised Class Notice. Attached hereto
17 as Exhibit B is a redlined copy of the revised Class Notice. Attached hereto as Exhibit C is a clean
18 copy of the revised Claim Form. Attached hereto as Exhibit D is a redlined copy of the revised
19 Claim Form.

20 The parties simplified the Class Notice by making it easier to read and digest, and by
21 attempting to further explain settlement terms. In particular, the revised Class Notice
22 conspicuously provides recipients four options on the second page for obtaining further details
23 about the settlement, without necessarily having to read past the second page: (i) the FAQs on the
24 following pages; (ii) the settlement website; (iii) the voice recognition telephone line the
25 Administrator is establishing; and/or (4) by directly emailing or telephone Class Counsel with
26 questions.

27 The Class Notice clarifies the term "Response Deadline." The Response Deadline is 100
28 days after preliminary approval. But, to ensure an adequate class notice period, the parties
29 recommend clarifying that in no case shall the class notice period be less than 60 days after

1 mailing of the notices. This will ensure that Class Members are given an adequate amount of time
2 to submit a Claim Form, opt out, or object to the settlement.

3 Similarly, the parties streamlined the Claim Form into a simple one-page attestation
4 instead of a questionnaire. The parties believe that this attestation will make it easier for class
5 members to submit claims.

6 **2. Online Claim Form**

7 After further consultation between the parties, they are proposing that the Class
8 Administrator include an online portal on the class action website to allow Class Members to
9 submit the Claim Form online. The parties believe this will facilitate claims as it will allow Class
10 Members the opportunity to submit the Claim Form from their home and not have to either scan in
11 the Claim Form and email it, or have to physically mail the Claim Form.

12 Class Administrator JND has estimated that the cost of the online Claim Form will run
13 between \$5,500 - \$7,500, plus an additional \$200 per month to host the website. The settlement
14 provides a \$25,000 cap on Defendants' contribution toward notice and administration. Because
15 the Administrator's cost estimate already exceeds \$25,000 without the addition of the online
16 Claim Form, Class Counsel is prepared to pay the cost of putting the Claim Form online in an
17 effort to incentivize claims.

18 **3. Reminder Postcard**

19 In addition to the online Claim Form portal, the parties have also agreed that a reminder
20 postcard should be sent to all Credit Reporting Subclass Members approximately forty (40) days
21 after the initial Class Notice mailing, about three weeks before the close of the at least 60-day
22 claim response period. This suggestion is also intended to stimulate the claims rate as it will
23 remind recipients to submit the Claim Form in one of the three prescribed methods.

24 Class Administrator JND has estimated that the cost of the postcard reminder will run
25 approximately \$3,000. Class Counsel is prepared to pay this cost in order to increase the claims
26 rate. As noted above in the context of the online Claim Form, Class Counsel will be bearing this
27 entire cost.

28

1 **E. Conclusion**

2 The parties believe that the above-referenced clarification and modifications to the Class
3 Notice and Claim Form properly address the Court’s comments on Preliminary Approval. Though
4 individual class members will still be required to take action in order to avail themselves of the
5 credit reporting benefits being offered, the parties believe that these are meaningful changes which
6 will incentivize borrowers to submit claims and thus address the issues raised by the Court.

7 The parties are pleased to respond should the Court have any further questions. If these
8 changes are acceptable to the Court, the parties will submit a revised submission for Preliminary
9 Settlement Approval to the Court as soon as practicable.

10 DATED: May 17, 2021

SEVERSON & WERSON
A Professional Corporation

13 By: /s/ Erik Kemp (with permission)
Erik Kemp

15 Attorneys for Defendants NATIONSTAR
MORTGAGE LLC and VERIPRO SOLUTIONS
16 INC.

17 DATED: May 17, 2021

KEMNITZER, BARRON & KRIEG LLP

20 By: /s/ Kristin Kemnitzer
Kristin Kemnitzer

22 Attorneys for Plaintiffs TAQUELIA WASHINGTON
23 TOLAND and GEORGIA TOLAND

EXHIBIT A

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 [REDACTED], 2020.

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 [REDACTED], 2020.

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 [insert website URL]. 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>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice]</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>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice]</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>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice].</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. [Click here](link to www._____.com).
- You can call the Interactive Voice Recognition information line at _____.
- 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._____.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 4:00 p.m., Monday through Friday, excluding Court holidays.

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. [\[Click here\]\(link to www._____com\)](#) 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 [REDACTED] [100 days following entry of the Order Preliminarily Approving the Settlement, , but no less than 60 days from the mailing of this Notice]; 2) By emailing the Claim Form to the Administrator on a date no later than [REDACTED] [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]; or 3) By submitting the Claim Form online at [insert website URL] [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]. **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 [redacted] [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]; (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, [Click here](link to [www.\[redacted\].com](http://www.[redacted].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:

[insert]

Your exclusion request must be postmarked **no later than [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]**. 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 **[100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]**.

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 the 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 [REDACTED]. 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 [insert date], at [insert] 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 [Click here](link to www._____.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 award 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 conducted 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.

Arthur D. Levy
3950 Broadway, Suite 200
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 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 [Click here](link to www._____.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 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. [Click here](link to www._____.com). You can view and download complete copies of the Settlement Agreement, relevant court filings, obtain an electronic version of this Notice, and obtain an Exclusion Request Form.
- Call the Interactive Voice Recognition information line at _____.
- 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 4:00 p.m., Monday through Friday, excluding Court holidays.

EXHIBIT B

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

~~**THE COURT APPROVED THIS NOTICE; IT DOES NOT SEEK ANY MONEY FROM YOU**~~

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

~~**Why you are receiving this notice:**~~ 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. ~~You can obtain an electronic version of this Notice with active website links at [Click here](link to www. .com).~~ The Settlement is only proposed and must be approved by the Court before it can become effective.

~~**What the Toland class action case is about:**~~ 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.

~~**Who is included in the Class Action Settlement:**~~ 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 ~~secure payment of the purchase price of a dwelling home~~ (b) ~~for not more than of~~ four ~~families units or fewer~~ and which (c) was occupied entirely or in part by you, and, (d) after a foreclosure or short sale of the ~~dwelling, and home~~, Defendants sent you certain Collection Letter(s) between March 24, 2013 and [REDACTED], 2020.

~~The Collection Letter forms can be viewed and downloaded on the Settlement website, [Click here](link to www. .com).~~ ~~To be a member of the Collection Letter Subclass, you must have been sent one of these letters after there was a foreclosure or short sale of your home securing the mortgage.~~

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 ~~Experian, Equifax, or TransUnion~~ as having an outstanding balance owing and/or otherwise as currently delinquent following a foreclosure or short sale between March 24, 2013 and [REDACTED], 2020.

A SUMMARY OF YOUR RIGHTS AND CHOICES

<u>You May:</u>	<u>Summary:</u>	<u>DEADLINE for you to comply:</u>
<u>Collection Letter</u>	<u>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</u>	<u>None</u>

<p><u>Subclass Members Receive Benefits Automatically</u></p>	<p>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><u>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. For more details: see FAQ 1 below.</u></p>	
<p><u>Submit a Claim Form to Recover Credit Reporting Relief</u></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><u>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 [insert website URL]. 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. For more details: see FAQs 2 & 3 below.</u></p>	<p>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice]</p>
<p><u>Ask to Be Excluded</u></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>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice]</p>
<p><u>Submit an Objection</u></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>[100 days following entry of Preliminary Approval Order, but no less than 60 days from the mailing of this Notice].</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. [\[Click here\]\(link to www.com\).](#)

- You can call the Interactive Voice Recognition information line at _____.
- 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.

~~Capitalized terms used in this Notice, other than those defined in this Notice, shall have the same meaning as set forth in the Settlement Agreement.~~

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._____.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 4:00 p.m., Monday through Friday, excluding Court holidays.

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

~~**A SUMMARY OF YOUR RIGHTS AND CHOICES**~~

You May:	Summary:	Last Day DEADLINE for you to mail:
<p>Collection Letter Subclass Members Receive Benefits Automatically</p>	<p>If you are a member of the Collection Letter Subclass, Defendants will pay you the sum of \$150. 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 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.</p> <p><u>For more details: see FAQ 2 below.</u></p>	<p>None</p>
<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 and you wish to receive credit reporting changes under the Settlement, you must complete and submit the accompanying Claim Form in order to obtain the credit reporting. 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.</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</p>	<p>[100 days following entry of Preliminary Approval Order]</p>

	addresses listed on the Claim Form. If you do not timely submit a valid Claim Form, Nationstar will not submit any credit reporting changes for you, and you will become a Settlement Class Member bound by the terms of the Settlement Agreement and Final Judgment. For more details: see FAQs 3 & 4 below.	
Ask to Be Excluded	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. For more details: see FAQs 7 & 8 below.	{100 days following entry of Preliminary Approval Order}
Submit an Objection	You may remain a Settlement Class Member and object to the Settlement. You may appear and speak at the Final Approval Hearing on your own or through a lawyer hired by you at your own expense. 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. For more details: see FAQ 9 below.	{100 days following entry of Preliminary Approval Order}.

FREQUENTLY ASKED QUESTIONS (FAQS) AND ANSWERS

The following FAQs are addressed below:

~~1. Why is there a Settlement?~~

~~21. What are the terms of the proposed Settlement?~~

~~32. Why would I have to submit a Claim Form and how do I do it?~~

~~43. What is the credit reporting relief?~~

~~5. When will money or benefits be given?~~

~~64. If I remain in the Settlement Class, what do I give up?~~

~~7. Why would I ask to be excluded?~~

~~85. How do I exclude myself from the Settlement Class?~~

~~96. Can I object to the Settlement?~~

~~7. 10. When is the Final Approval Hearing?~~

~~118. What if I want to attend the Final Approval Hearing?~~

~~129. Does the Settlement Class have a lawyer?~~

~~13. Do I need to hire my own lawyer?~~

~~14. 10. How will Class Counsel be paid?~~

~~1511. Will the Class Representatives receive any payments in addition to the Settlement Benefits?~~

~~1612. How can I get more information?~~

~~17. May I contact the Court or Defendants directly?~~

~~1. Why is there a Settlement?~~

~~There has not been a trial in the Action and the Court has not decided in favor of the Class Representatives or Defendants.~~

~~The Class Representatives and Class Counsel believe that the Settlement is in the best interests of the Settlement Class. Class Counsel has evaluated information made available in the course of the lawsuit and~~

~~settlement negotiations and have taken into account the risks and uncertainties of proceeding with the Action.~~

~~Defendants strongly deny any wrongdoing and do not believe they have any liability to the Class Representatives or the Settlement Class. This Notice does not imply that any court has found or would have found that Defendants violated the law or that any member of the class would have recovered any amount of damages if the Action were not settled. However, Defendants believe that it is in its best interest to settle the Action under the terms of the Settlement Agreement and obtain closure on these matters to avoid the uncertainty, expense, and diversion of business resources resulting from further litigation.~~

2

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. [\[Click here\]\(link to www._____com\)](#) 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 ~~without the need for any Claim Form.~~
- 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 ~~without the need for any Claim Form.~~
- 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. ~~If you do submit a timely completed Claim Form, Nationstar will only request the credit reporting change if your answers show that you are entitled to such relief.~~
- 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 ~~and to 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.

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

~~You do not have to submit a Claim Form to obtain any benefits under the Settlement if you are a member of the Collection Letter Subclass and your loan was previously serviced by Nationstar. This includes credit reporting relief; see FAQ 4.~~

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 ~~either one~~ of the following ~~two~~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 [redacted] ~~[100 days following entry of the Order Preliminarily Approving the Settlement]; or, , but no less than 60 days from the mailing of this Notice];~~ 2) By emailing the Claim Form to the Administrator on a date no later than [redacted] ~~[100 days following entry of the Order Preliminarily Approving the Settlement];, but no less than 60 days from the mailing of this Notice];~~ or 3) By submitting the Claim Form online at [insert website URL] [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]. **The mailing and email addresses for sending the Claim Form are listed on the Claim Form.**

~~The Settlement Administrator will review the Claim Forms to determine whether the answers to the questions confirmed the claimant is entitled to credit reporting relief under the Settlement. The Settlement Administrator may determine there is a deficiency, and return the Claim Form to the claimant with instructions to correct the deficiency.~~

43. What is the credit reporting relief?

- ~~If the Court grants final approval of the Settlement, Nationstar will, for all eligible Collection Letter Subclass Members whose loans were previously serviced by Nationstar and for those and Credit Reporting Subclass Members who submit Claim Forms that establish their eligibility for relief, Nationstar will, within 30 days after the Effective Date, request that the credit reporting agencies to which it reports update their reporting as follows 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.

~~5. When will money or benefits be given?~~

~~Payments and credit reporting updates will not be made until the Court has decided whether to approve the Settlement and because it is not yet final. The Settlement will become final only if the Court approves the Settlement and after any appeals and opportunities for appeal have been exhausted and/or been denied. There is no guarantee that money or benefits will ever be distributed.~~

64. 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. ~~For example, if you believe that a Collection Letter as described in the Complaint violates some other law besides the ones listed in the Complaint, such a claim would be barred by this Settlement. However, if you believe that you suffered some injury unrelated to the Collection Letters or credit reporting alleged in the Complaint, those claims would not be barred by the Settlement.~~

~~7. Why would I ask to be excluded?~~

~~You should exclude yourself if you do not wish to participate in the Settlement or be bound by any order or judgment entered in the Action and are willing to forego any benefits from the Settlement. You may want to exclude yourself from the Settlement Class if you already have filed (or intend to file) a lawsuit or arbitration against Defendants or their affiliates for the Released Claims and want to continue that lawsuit or arbitration individually, on your own behalf. If you do not exclude yourself, you will be legally bound by all orders of the Court regarding the Settlement Class, the Settlement Agreement, and the Released Claims.~~

85. 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 [redacted] [100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice]; (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 individual 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, [\[Click here\]\(link to www.\[redacted\].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:

[insert]

Your exclusion request must be postmarked no later than [100 days following entry of the Order Preliminarily Approving the Settlement], but no less than 60 days from the mailing of this Notice. 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.

96. 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 ~~sent out~~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 ~~(a) clearly identify the case name and number (Toland v. Nationstar Mortgage LLC, Case Number 3:17-cv-02575-JD), (b)~~ 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, ~~and (c)~~. **All objections must be mailed or postmarked on or before 100 days following entry of the Order Preliminarily Approving the Settlement, but no less than 60 days from the mailing of this Notice.**

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 the your Claim ID as set forth on the Class Notice;
- ~~(3)~~ (3) the case name and number (Toland v. Nationstar Mortgage LLC, Case Number 3:17-cv-02575-JD),
- ~~(4)~~ (4) a statement of the position you wish to assert, including the factual and legal grounds for your objections;
- ~~(5)~~ (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)~~ (6) the name(s) of any attorney(s) representing you; and
- ~~(7)~~ (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 . 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/telhrg/>, a few days before the scheduled hearing date. **You may also contact Class Counsel for information as set forth in FAQ 1612 below.**

107. When is the Final Approval Hearing?

The Court will hold a Final Approval Hearing on [insert date], at [insert] 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 [Click here](link to www._____.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 award for Class Counsel.

118. 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 conducted 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 1612 below.**

129. 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.

Arthur D. Levy
3950 Broadway, Suite 200
Oakland, CA 94611
arthur@yesquire.com

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

13. Do I need to hire my own lawyer?

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.

1410. How will Class Counsel be paid?

Class Counsel ~~may will~~ apply to the Court for an award of Attorneys' Fees and Expenses ~~not to exceed \$390,000. Defendants may oppose such application, but will pay an Attorney's Fees and Expenses award in the amount awarded by the Court,~~ 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 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 [Click here](link to www._____.com).

1511. Will the Class Representatives receive any payments in addition to the Settlement Benefits?

~~Concurrently with their application of an award of Attorneys' Fees and Expenses,~~ Class Counsel ~~may 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 not reduce your benefits under the settlement. The Court will determine the amount of the award.

MORE INFORMATION

1612. How can I get more information?

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

- Visit the Settlement website. [\[Click here\]\(link to www. .com\)](#). You can view and download complete copies of the Settlement Agreement, relevant court filings, obtain an electronic version of this Notice, and obtain an Exclusion Request Form.
- Call the Interactive Voice Recognition information line at _____.
- 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 4:00 p.m., Monday through Friday, excluding Court holidays.

~~17. May I contact the Court or Defendants directly?~~

~~Please do not contact the Court, Defendants or Defense Counsel regarding this Settlement. They cannot provide you any advice.~~

EXHIBIT C

CLASS ACTION SETTLEMENT CLAIM FORM

To: [name(s) of loan signatory]
Date of Mortgage or Loan: []
Address of Property Securing the Mortgage or Loan: []
Mortgage or Loan Number: [] Claim No.: []

PLEASE READ THE STATEMENT BELOW CAREFULLY, WHICH IS UNDER PENALTY OF PERJURY. IF YOU TRUTHFULLY MEET ALL CONDITIONS IN THE BELOW STATEMENT, SIGN AND DATE THIS FORM, AND RETURN YOUR FORM TO THE CLAIMS ADMINISTRATOR.

WHEN TO SUBMIT THIS FORM: YOUR SIGNED AND COMPLETED CLAIM FORM MUST BE POSTMARKED OR EMAILED ON OR BEFORE [DUE DATE] IN ORDER FOR YOUR CLAIM TO CONSIDERED.

WHERE TO SUBMIT THIS FORM: MAIL TO _____ OR EMAIL TO _____. YOU MAY ALSO FILL OUT THIS CLAIM FORM ONLINE AT [INSERT WEBSITE URL].

STATEMENT OF QUALIFICATION

I/we obtained a second mortgage or home equity line of credit, secured by a deed of trust, on property located in California. I/we used the second mortgage or home equity line of credit to pay all or part of the purchase price of the property at the time I/we originally purchased that property. I/we moved into and lived in the property, which I/we purchased to use as my/our primary residence. I/we do not currently own the property. The property was sold through a foreclosure or short sale.

ATTESTATION UNDER PENALTY OF PERJURY

Based on the information available to me/us, I/we declare under penalty of perjury under the laws of the State of California that the above Statement of Qualification is true and correct.

Signature of Borrower

Date (mm/dd/yy)

Signature of Borrower

Date (mm/dd/yy)

EXHIBIT D

IMPORTANT LEGAL NOTICE-
CLASS ACTION SETTLEMENT CLAIM FORM

~~This class action settlement Claim Form is authorized by the Court and addressed to you because you may be a member of the Settlement Class. This is not a bill or solicitation to buy any product or service. SEND NO MONEY.~~

To: [name(s) of loan signatory]
Date of Mortgage or Loan: []
Address of Property Securing the Mortgage or Loan: []
Mortgage or Loan Number: [] Claim No.: []

~~YOU MAY BE ELIGIBLE FOR CREDIT REPORTING RELIEF UNDER A CLASS ACTION SETTLEMENT WITH NATIONSTAR MORTGAGE, LLC AND VERIPRO SOLUTIONS INC.~~

~~YOU MUST MAKE A CLAIM TO BE CONSIDERED FOR CREDIT REPORTING RELIEF. TO MAKE A CLAIM, YOU MUST FULLY ANSWER THE FOLLOWING QUESTIONNAIRE, VERIFY THE TRUTH OF YOUR ANSWERS BY SIGNING, AND RETURN THIS CLAIM FORM AND QUESTIONNAIRE NO LATER THAN [DUE DATE].~~

~~ALL CLAIMS ARE SUBJECT TO VERIFICATION DURING THE CLAIMS ADMINISTRATION PROCESS, INCLUDING REVIEW OF LOAN ACCOUNT AND/OR REAL PROPERTY RECORDS PERTAINING TO THE CLAIM.~~

Current Address (if different from the address on the envelope enclosing this claim form):

PLEASE READ THE STATEMENT BELOW CAREFULLY, WHICH IS UNDER PENALTY OF PERJURY. IF YOU NEED FURTHER INFORMATION

If you have any questions or would like further information about the terms of the Settlement, your eligibility for relief under the Settlement, or how to make a claim for credit reporting relief, you may visit [<http://www.settlementwebsite.com>], call the Settlement Administrator toll-free at [[phone number](tel:8665764999)], or contact Class Counsel at yes@yesquire.com or (866) 576-4999.

CLASS ACTION SETTLEMENT CLAIM QUESTIONNAIRE

YOU MUST ANSWER TRUTHFULLY MEET ALL OF CONDITIONS IN THE FOLLOWING QUESTIONS FULLY BELOW STATEMENT, SIGN AND DATE THIS FORM, AND RETURN YOUR SIGNED QUESTIONNAIRE FORM TO THE CLAIMS ADMINISTRATOR.

WHEN TO SUBMIT THIS FORM: —YOUR SIGNED AND COMPLETED **QUESTIONNAIRE CLAIM FORM** MUST BE POSTMARKED OR EMAILED ON OR BEFORE [DUE DATE] IN ORDER FOR YOUR CLAIM TO CONSIDERED.

WHERE TO SUBMIT THIS FORM: -MAIL TO _____ OR EMAIL TO _____.
YOU MAY ALSO FILL OUT THIS CLAIM FORM ONLINE AT [INSERT WEBSITE URL].

Question 1: Did you obtain a second mortgage or home equity line of credit, secured by a deed of trust, on property located in California?
 Yes No

Question 2: If your answer to Question 1 is yes, did you use the second mortgage or home equity line of credit to pay all or part of the purchase price of the property at the time you originally purchased that property?
 Yes No

Question 3a: If your answer to Question 2 is yes, when you purchased the property, did you move in and live in the property?
 Yes No

Question 3b: If your answer to Question 2 is yes, did you purchase the property as your:
 Primary Residence Secondary Residence Investment Property

Question 4a: Do you currently own that property?
 Yes No

Question 4b: Was the property sold through a foreclosure or short sale?
 Yes No

Question 4c: Do you know the date of the foreclosure or short sale?
 Yes, Date: _____ I Don't Know

VERIFICATION STATEMENT OF QUALIFICATION

I/we obtained a second mortgage or home equity line of credit, secured by a deed of trust, on property located in California. I/we used the second mortgage or home equity line of credit to pay all or part of the purchase price of the property at the time I/we originally purchased that property. I/we moved into and lived in the property, which I/we purchased to use as my/our primary residence. I/we do not currently own the property. The property was sold through a foreclosure or short sale.

ATTESTATION UNDER PENALTY OF PERJURY

Based on the information available to me/us, I/we declare under penalty of perjury under the laws of the State of California that ~~my/our answers to the preceding questions on this Claim Form are~~ the above Statement of Qualification is true and correct.

Signature of Borrower

Date (mm/dd/yy)

Signature of Borrower

Date (mm/dd/yy)