

If you paid Water or Sewer Availability Fees and/or System Development Fees to the Town of Mooresville from November 9, 2015 through March 1, 2021, you may qualify for benefits from a class action settlement.

This Notice may affect your rights, so please read it carefully.

- A \$8,000,000 settlement has been reached in a class action lawsuit, which alleges that Water and Sewer Availability Fees and/or System Development Fees charged and collected by the Town of Mooresville were unlawful. All persons or organizations who paid Availability Fees and/or System Development Fees to the Town of Mooresville from November 9, 2015 through March 1, 2021 are included in the settlement.

Water and Sewer Availability Fees and System Development Fees are fees charged by the Town of Mooresville November 9, 2015 through March 1, 2021 as a mandatory condition to the Town providing a new or upsized connection to the Town’s water and/or wastewater system.

- Defendant Town of Mooresville denies the claims in the lawsuit. The Court has not decided who is right, but the Defendant and the Plaintiffs who filed the lawsuit have agreed to the settlement.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.
- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the settlement. If it does, and after any appeals are resolved, a settlement fund will be established.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	Submit a complete and timely Claim Form to be eligible for payment from the Settlement Fund.
EXCLUDE YOURSELF	Request to be excluded from the Settlement Class and get no benefits from the settlement. This is the only option that allows you to start or continue a lawsuit against the Defendant about the claims this settlement resolves.
OBJECT	Write to the Court about why you do not like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no benefits. Give up your rights to sue the Defendant for the claims the settlement resolves.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....	PAGE 3
1. Why is this Notice being provided?	
2. What is this lawsuit about?	
3. Why is there a settlement?	
4. Why is the settlement a proposed class action settlement?	
WHO IS IN THE SETTLEMENT.....	PAGE 4
5. How do I know if I am part of the settlement?	
6. What if I am not sure whether I am included in the settlement?	
THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY	PAGE 4
7. How much money is available under the settlement?	
HOW TO GET BENEFITS FROM THE SETTLEMENT.....	PAGE 5
8. How do I file a claim?	
9. When will I receive my payment?	
10. What am I giving up to receive benefits under the settlement?	
EXCLUDING YOURSELF FROM THE SETTLEMENT.....	PAGE 5
11. If I exclude myself, can I get anything from this settlement?	
12. If I do not exclude myself, can I sue later?	
13. How do I get out of the settlement?	
THE LAWYERS REPRESENTING YOU.....	PAGE 7
14. Do I have a lawyer in the case?	
15. Why is Class Counsel recommending the settlement?	
16. How will the Lawyers be paid?	
OBJECTING TO THE SETTLEMENT	PAGE 7
17. How do I tell the Court if I do not like the settlement?	
18. What is the difference between objecting and asking to be excluded?	
THE COURT’S FINAL APPROVAL HEARING	PAGE 9
19. When and where will the Court decide whether to approve the settlement?	
20. Do I have to come to the hearing?	
IF YOU DO NOTHING	PAGE 9
21. What happens if I do nothing at all?	
GETTING MORE INFORMATION	PAGE 9
22. How do I get more information?	

BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this Notice because you have a right to know about a proposed class action settlement and about all of your options before the Court decides whether to give “final approval” to the settlement. This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who may be eligible for those benefits, and how to get them.

Judge Horne of the Superior Court Division of Watauga County, North Carolina, is overseeing this lawsuit. The settlement resolves the Action (litigation) known as *Lennar Carolinas, LLC, et al. v. Town of Mooresville* (Iredell Co. No. No. 18-CVS-2792); and *M/I Homes of Charlotte, LLC, et al. v. Town of Mooresville* (Iredell Co. No. 18-CVS-3105).

The persons who sued are called “Plaintiffs,” and the Town of Mooresville who was sued is called the “Defendant.”

2. What is this lawsuit about?

The Plaintiffs allege that the Water and Sewer Availability Fees and/or System Development Fees charged and collected by the Town of Mooresville were unlawful. All persons or organizations who paid Availability Fees and/or System Development Fees to the Town of Mooresville from November 9, 2015 and March 1, 2021 are included in the settlement.

Water and Sewer Availability Fees and System Development Fees are fees charged by the Town of Mooresville November 9, 2015 through March 1, 2021 as a mandatory condition to the Town providing a new or upsized connection to the Town’s water and/or wastewater system.

Defendant Town of Mooresville denies any and all alleged liability, wrongdoing, violations, and/or damages it allegedly caused with respect to any and all claims asserted or that could have been asserted in this Action (litigation).

The Court has not decided who is right, but both the Plaintiffs and the Defendant have agreed to a settlement to end the lawsuit and avoid further related costs and burdens.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or the Defendant. Instead, both sides agreed to settle this case to avoid the cost and risk of litigation. The settlement does not mean that any law was broken or that the Defendant did anything wrong. The Defendant denies all legal claims in this case. Plaintiffs and their lawyers think the settlement is best for the Settlement Class.

4. Why is the settlement a proposed class action settlement?

Proposed class action settlements typically get reviewed by a court twice: once for preliminary approval and once for final approval. As part of approving a class action settlement, courts certify a settlement class. That class is a Settlement Class (a.k.a, a class certified only for settlement). The Court has given the proposed settlement preliminary approval, and has certified a Settlement Class. But the Court cannot decide whether to finally approve the proposed settlement until the Final Approval Hearing, when it will resolve any issues for members of the Settlement Class, except for those members of the Settlement Class who exclude themselves from the settlement.

WHO IS IN THE SETTLEMENT

To see if you will be affected by the settlement you first have to determine if you are a member of the Settlement Class.

5. How do I know if I am part of the settlement?

The Court has approved the following Settlement Class:

Those persons or organizations who paid Water and Sewer Availability Fees and/or System Development Fees on or between November 9, 2015 and March 1, 2021 which are at issue in this Action.

6. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are a member of the Settlement Class, or have any other questions about the settlement, visit the settlement website at moorevilleimpactfeesettlement.com or call the toll free number, (833) 594-2014. You may also write with questions to Lennar Carolinas v. Town of Mooresville Settlement, PO Box 10269, Tallahassee, FL 32302-2269, or send an e-mail to claims@ssicclaims.com

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. How much money is available under the settlement?

If approved by the Court and not subject to a successful appeal, a Settlement Fund will be established. A Settlement Fund of \$8,000,000 will be established; \$7,250,000 will be reserved for Claimants who paid Water and Sewer Availability Fees and/or System Development Fees to the Town from November 9, 2015 through June 30, 2018, and \$750,000 will be reserved for Claimants who paid Water System Development Fees to the City from July 1, 2018 through March 1, 2021. Attorneys' fees and costs associated with settlement administration will be paid from the Settlement Fund.

Payment for Claimants who Paid Water and Sewer Availability Fees and/or System Development Fees from November 9, 2015 through June 30, 2018:

From the \$7,250,000 of the Settlement Fund reserved for Claimants who paid Water and Sewer Availability Fees and/or System Development Fees to the Town from November 9, 2015 through June 30, 2018, the City will pay an amount up to 67.5% of the total Water and Sewer Availability Fees and/or System Development Fees paid by the Claimant during this period. In addition, to the extent that any unclaimed funds remain in this portion of the Common Settlement Fund following payment to Settlement Class members of 67.5% of their claim amount, the remaining funds shall be redistributed *pro rata* to Settlement Class members up to paying them their full claim amount.

Payment for Claimants who Paid Water System Development Fees from July 1, 2018 through March 1, 2021:

From the \$750,000 of the Settlement Fund reserved for Claimants who paid Water System Development Fees to the Town from July 1, 2018 through March 1, 2021, the Town will pay an amount up to 10% of the total Water Capacity Fees paid by the Claimant during this period. In addition, to the extent that any unclaimed funds remain in this portion of the Common Settlement Fund following payment to Settlement Class members of 10% of their claim amount, the remaining funds shall be redistributed *pro rata* to Settlement Class members up to paying them their full claim amount.

QUESTIONS? CALL (833) 594-2014 OR VISIT WWW.MOOREVILLEIMPACTFEESETTLEMENT.COM

HOW TO GET BENEFITS FROM THE SETTLEMENT

8. How do I file a claim?

To receive any benefits from the settlement, members of the Settlement Class are required to submit a Claim Form. You must follow the instructions on the Claim Form. You should read the Claim Form instructions carefully and provide all the information that is requested.

All Claim Forms, must be postmarked no later than **August 10, 2021** and sent to:

Lennar Carolinas v. Town of Mooresville Settlement
PO Box 10269
Tallahassee, FL 32302-2269

If you change your address and want to receive a Claim Form at your new address, you should notify the Claims Administrator of your new address by sending written notice of your change of address to the Claims Administrator at the address above.

If you did not receive a Claim Form by mail, or if you need a Claim Form, you can get one in any of the following ways: (1) by downloading a Claim Form at the website; (2) by requesting a Claim Form be mailed to you by calling the Claims Administrator's toll-free number at (833) 594-2014 or (3) by requesting a Claim Form be mailed to you by writing to the Claims Administrator at the address provided above.

9. When will I receive my payment?

Payments for valid Claims submitted by members of the Settlement Class will be made only after the Court grants "final approval" to the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

10. What am I giving up to receive benefits under the settlement?

If the settlement becomes final, members of the Settlement Class who submit a claim or do nothing at all will be releasing the Defendant from all of the Released Claims described and identified in Section 8 of the Settlement Agreement. This means you will no longer be able to sue the Defendant regarding any of the claims described in the Settlement Agreement.

The Settlement Agreement is available at www.moorevilleimpactfeesettlement.com. The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate, legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in the section "The Lawyers Representing You" for free or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to participate in this proposed settlement and you want to keep the right to sue the Defendant about the legal issues in this case, then you must take steps to get out of the settlement. This is sometimes called "opting out" of the Settlement Class.

11. If I exclude myself, can I get anything from this settlement?

No, if you exclude yourself, you may not apply for any benefits under the settlement and you cannot object to the proposed settlement. If you ask to be excluded, however, you may sue or be part of a different lawsuit against the Defendant in the future. You will not be bound by anything that happens in this class action settlement.

12. If I do not exclude myself, can I sue later?

Unless you exclude yourself, you give up the right to sue the Defendant for all of the claims that the settlement resolves, except for claims for personal injury. You must exclude yourself from the Settlement Class to start or continue your own lawsuit relating to the claims in this case. The full release is stated in Section V of the Settlement Agreement (the Settlement Agreement can be found at www.moorevilleimpactfeesettlement.com).

13. How do I get out of the settlement?

To exclude yourself from the settlement and Settlement Class, you must send the Claims Administrator a written “Request for Exclusion”, which must include the following:

- (1) Contain a caption or title that identifies it as “Request for Exclusion in *Lennar Carolinas v. Town of Mooresville*”;
- (2) Include the Settlement Class Member’s name, business address, and telephone number; address of the property where the alleged Capacity Fees were paid and date of payment;
- (3) Specify that he or she wants to be excluded from the Settlement Class; and
- (4) Be personally signed by the Settlement Class Member.

You must mail your completed Request for Exclusion, postmarked by **May 27, 2021** to:

Lennar Carolinas v. Town of Mooresville Settlement
PO Box 10269
Tallahassee, FL 32302-2269

A copy of your completed Request for Exclusion should also be sent to:

Class Counsel	Defense Counsel
James DeMay Ferguson, Hayes, Hawkins & DeMay, PLLC P.O. Box 444 Concord, NC 28025	Patrick Flanagan Cranfill Sumner & Hartzog LLP 2907 Providence Rd, Ste. 200 Charlotte, NC 28230
Madeline Trilling, John Scarbrough & James Scarbrough Scarbrough, Scarbrough & Trilling, PLLC 137 Union Street South Concord, NC 28025	
Gary Shipman & William Wright	

QUESTIONS? CALL (833) 594-2014 OR VISIT WWW.MOOREVILLEIMPACTFEESETTLEMENT.COM

Shipman & Wright, LLP 575 Military Cutoff Road, Suite 106 Wilmington, North Carolina 28405	
--	--

If you do not want to be a part of the settlement, but do not send in a Request for Exclusion, you will remain a member of the Settlement Class and lose any opportunity to exclude yourself from the settlement, and your rights will be determined in this lawsuit by the Settlement Agreement, if it receives final judicial approval.

You cannot ask to be excluded/opt-out on the phone, by email, or at the website.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in the case?

The Court designated James R. DeMay of Ferguson, Hayes, Hawkins & DeMay, PLLC, Madeline J. Trilling, John F. Scarbrough, and James E. Scarbrough of Scarbrough, Scarbrough & Trilling, PLLC, and Gary K. Shipman and William W. Wright of Shipman & Wright, LLP as Class Counsel for the Plaintiffs and members of the Settlement Class. You will not be charged for Class Counsel. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

15. Why is Class Counsel recommending the settlement?

Class Counsel reached this settlement after weighing the risks and benefits to the Settlement Class of this settlement compared with those of continuing the litigation. The factors that Class Counsel considered included the uncertainty and delay associated with continued litigation, a trial and numerous appeals, and the uncertainty of particular legal issues that have been, or are yet to be, determined by the Court. Class Counsel balanced these and other substantial risks in determining that the settlement is fair, reasonable, and adequate in light of all circumstances and in the best interests of members of the Settlement Class.

16. How will the Lawyers be paid?

If the settlement is approved by the Court, Class Counsel will ask the Court for an award of attorneys' fees and expenses in an amount not to exceed twenty-five percent (25%) of the value of the Settlement Fund. Any award of attorneys' fees, expenses, costs or incentive awards, ordered by the Court will be paid from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

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

If you do not exclude yourself from the Settlement Class, you may, if you wish, object to the fairness, reasonableness, or adequacy of this Agreement, or the proposed Settlement, or to the award of Attorneys' Fees and Expenses, or the Service Awards, or to any other aspect or effect of the proposed Settlement. All Objections must contain the following:

- (1) Contain a caption or title that identifies it as "Objection to Class Settlement in *Lennar Carolinas, LLC, et al. v. Town of Mooresville*, Iredell County No. 18-CVS-2792 and

QUESTIONS? CALL (833) 594-2014 OR VISIT WWW.MOORESVILLEIMPACTFEESSETTLEMENT.COM

M/I Homes of Charlotte, LLC, et al. v. Town of Mooresville, Iredell County No. 18-CVS-3105;”

- (2) Identify whether the objection is to the Settlement Class;
- (3) Set forth the specific reason(s), if any, for each objection, including all legal support the Settlement Class Member wishes to bring to the Court’s attention and all factual evidence the Settlement Class Member wishes to offer in support of the objection;
- (4) Include the name and address of the Settlement Class Member;
- (5) Be personally signed by the Settlement Class Member;
- (6) Include an identification, by case style and number, of any other class settlements the objector or the objector’s attorney(s) have asserted an objection; and
- (7) Include an identification of all attorneys having a financial interest or stake in the objection.

Your Objection must be filed with the Clerk of Superior Court for Iredell County, North Carolina and delivered to Class Counsel and to Defense Counsel, no later than **May 27, 2021**, at the following addresses:

Court	Class Counsel	Defense Counsel
Clerk of Superior Court Iredell County Superior Court 2226 Stockton Street Statesville, NC 28677	James DeMay Ferguson, Hayes, Hawkins & DeMay, PLLC P.O. Box 444 Concord, NC 28025 Madeline Trilling, John Scarbrough & James Scarbrough Scarbrough, Scarbrough & Trilling, PLLC 137 Union Street South Concord, NC 28025 Gary Shipman & William Wright Shipman & Wright, LLP 575 Military Cutoff Road, Suite 106 Wilmington, North Carolina 28405	Patrick Flanagan Cranfill Sumner & Hartzog LLP 2907 Providence Rd, Ste. 200 Charlotte, NC 28230

If you do not comply with these procedures and the deadline for objections, you will lose any opportunity to have your objection considered at the Final Approval Hearing or otherwise to contest the approval of the settlement or to appeal from any order or judgment entered by the Court in connection with the settlement.

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

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself (opting-out) is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you cannot object to the settlement and you will not be eligible to apply for any benefits under the settlement because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

On **June 18, 2021 at 10:00 a.m.**, the Court will hold a public hearing in the Superior Courtroom of the Iredell County Hall of Justice, located at 226 Stockton Street, Statesville, NC 28677, to determine whether the settlement is fair, adequate, and reasonable and should be finally approved, with judgment entered accordingly. The Court also will consider Counsel's application for an award of Attorneys' Fees Expenses and Service Awards and any opposition thereto. This hearing may be continued or rescheduled by the Court without further notice to the Settlement Class so you should check the website for updates. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlement. It is unknown how long these decisions will take.

You may also attend the public hearing by WebEx. To receive instructions for accessing the hearing via WebEx, please contact the Claims Administrator via the toll free number, (833) 594-2014, or send an e-mail to claims@ssiclaims.com.

20. Do I have to come to the hearing?

No, Class Counsel will answer any questions the Court has. However, you are welcome to attend the hearing at your own expense. If you send in a written objection, you do not have to come to the Final Approval Hearing to talk about it. If you mailed your written objection on time, the Court will consider it. You may pay your own lawyer to attend the Final Approval Hearing, but it is not necessary.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not get benefits from the settlement. Unless you exclude yourself, you will be bound by the judgment entered by the Court. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit or proceeding against the Defendant about the statements and claims at issue in this case.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can view a copy of the Settlement Agreement and read a list of Frequently Asked Questions and Answers at website. You may also write with questions to Lennar Carolinas v. Town of Mooresville Settlement, PO Box 10269, Tallahassee, FL 32302-2269, or send an e-mail to claims@ssiclaims.com. You can get a Claim Form at the website, or have a Claim Form mailed to you. If you wish to communicate directly with Class Counsel, you may contact them at the address listed above, or by e-mail at demay@concordlawyers.com, mjt@sandslegal.net, jfs@sandslegal.net, or gshipman@shipmanlaw.com. You may also seek advice and guidance from your own private attorney at your own expense.