

Pursuant to a settlement in *Cantlin et al. v. Smythe, Cramer Co.*, current or former clients of the Defendant who paid certain Administrative Fees and/or Brokerage Service Fees (“Fees”) can receive a cash payment of the amount of such Fee paid plus statutory interest, subject to validation by the Settlement Administrator.

A Court has authorized transmission of this Class Notice. It is not a solicitation from a lawyer. Contact the Settlement Administrator or Class Counsel listed below if you have any questions after reading this notice.

Do not contact the Court with questions.

This Notice is to inform you of a proposed Settlement of a class action lawsuit pending against Smythe, Cramer Co. dba Howard Hanna Smythe Cramer (“Smythe Cramer” or “Defendant”), in the above-referenced case, No. 12-790865, Court of Common Pleas, Cuyahoga County, Ohio. As is detailed below, the Settlement provides payments to be made to members of the following Settlement Classes who submit a Valid Claim:

Administrative Fee Class

All individuals in the State of Ohio, both buyers and sellers, who, between September 18, 2005 and December 31, 2009, paid Defendant an “Administrative Fee” or “Administrative Services Fee pursuant to the Exclusive Right to Sell Agreement; Exclusive Buyer Representation Agreement; Offer to Purchase Agreement; or Purchase Agreement.

Brokerage Services Fee Class

All buyers of real estate in Ohio who, between March 1, 2009 and August 1, 2019, paid the Defendant a “Brokerage Services Fee” pursuant to the Purchase Agreement or Offer to Purchase Agreement.

During the above periods, the Fee charged by Defendant was generally between \$159 and \$265.

YOUR RIGHTS AND OPTIONS IN THIS SETTLEMENT:

<p>SUBMIT A CLAIM FORM</p>	<p>This is the only way to receive a Benefit Amount. <u>The Claim Form must be postmarked by June 22, 2020 or sent online by 11:59 PM Eastern Time on June 22, 2020.</u> You can also submit a Claim Form online at www.CantlinSettlement.com. If you want to submit a paper Claim Form by mail, you can print a copy online at www.CantlinSettlement.com, or call 833.930.2420 and ask that a paper Claim Form be mailed to you.</p>
<p>OPT-OUT</p>	<p>Receive no Benefit Amount. If you Opt-Out, you will not receive any Benefit Amount from this Settlement. By excluding yourself, you can bring a separate action against Smythe Cramer at your own expense for the same legal Claims in this lawsuit if your Claims are still timely. The deadline to Opt-Out is May 14, 2020</p>

FILE AN OBJECTION	Notify the Court if you have any objections to the Settlement. The deadline to file an Objection with the Court is May 14, 2020. The requirements that must be followed for submitting an Objection are set out below in Section 9.
DO NOTHING	You will not receive a Benefit Amount. You will release your Claims relating to the lawsuit against Smythe Cramer and you will not be able to sue Smythe Cramer for any Claim relating to the lawsuit.

Please read this Notice carefully, as your legal rights may be affected whether or not you respond. All capitalized terms used in this Notice are defined in the Settlement Agreement, available at www.CantlinSettlement.com.

These rights and options – and the deadlines to follow – are explained in this Notice.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. WHAT IS THIS LAWSUIT ABOUT?

2. WHO IS AFFECTED BY THIS SETTLEMENT.....

3. WHY IS THIS A CLASS ACTION?

4. WHY IS THERE A SETTLEMENT AND WHAT IS ITS EFFECT?.....

THE SETTLEMENT BENEFITS – WHAT YOU GET.....

5. WHAT DOES THE SETTLEMENT PROVIDE?.....

HOW TO GET A PAYMENT – SUBMIT A CLAIM FORM

6. HOW CAN I GET A CASH BENEFIT AMOUNT PAYMENT?.....

7. WHAT HAPPENS IF I DON’T SEND IN A CLAIM FORM?.....

OPT-OUT FROM THE SETTLEMENT

8. WHAT DOES EXCLUDING MYSELF FROM THE SETTLEMENT MEAN?.....

OBJECTING TO THE SETTLEMENT

9. HOW CAN AN OBJECTION BE MADE?.....

THE LAWYERS REPRESENTING YOU AND ATTORNEYS’ FEES

10. WHO IS CLASS COUNSEL?

THE FINAL APPROVAL HEARING

11. WHAT IS A FINAL APPROVAL HEARING?

GETTING MORE INFORMATION

12. HOW DO I GET MORE INFORMATION ABOUT THE SETTLEMENT?

BASIC INFORMATION

1. What is this lawsuit about?

This class action lawsuit claims that Defendant unlawfully charged its clients Administrative Fees and Brokerage Service Fees.

Defendant denies the characterization by Plaintiffs and any wrongdoing in its business practices.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. If the Court approves the Settlement and it becomes final, a Settlement Administrator appointed by the Court will make the Benefit Amount payments provided by the Settlement.

2. Who is affected by this Settlement?

“Administrative Fee Class” means all individuals in the state of Ohio, both buyers and sellers, who, between September 18, 2005 and December 31, 2009, paid Defendant an “Administrative Fee” or “Administrative Services Fee” pursuant to the Exclusive Right to Sell Agreement; Exclusive Buyer Representation Agreement; Offer to Purchase Agreement; or Purchase Agreement.

“Brokerage Services Fee Class” means all buyers of real estate in Ohio who, between March 1, 2009 and August 1, 2019, paid Defendant a “Brokerage Services” fee pursuant to the Purchase Agreement or Offer to Purchase Agreement and who did not have an exclusive “Representation Agreement” with Defendant.

Where two or more persons (*e.g.*, a couple or a group of friends) participated in the same sale or purchase jointly, these persons will constitute a single class member for purposes of Claim Form submission. No more than one Benefit Amount will be paid for each Fee charged by Defendant and paid by the class member. Each Claim must be submitted by a Class Member or in the event of death or incapacity, someone authorized on their behalf, and no Claims may be submitted by a factor, aggregator, or in a group of persons.

Excluded from the Settlement Classes are: Defendant, Defendant’s personal representatives, affiliates, and parent and each of their current or former directors, officers, and employees, sales agents/associates, legal representatives, successors, and assigns; any other entity in which the Defendant has a controlling interest; any Judge to whom the Action is assigned and all members of his immediate family; and all Persons who timely and validly request exclusion from the Settlement pursuant to the Class Notice disseminated in accordance with the Preliminary Approval Order.

3. Why is this a class action?

In a class action, one or more individuals called Representative Plaintiffs sue as Plaintiffs on behalf of others who have similar claims. In this class action, the Representative Plaintiffs Patrick W. Cantlin,

Elizabeth S. Haggerty (fka Hong), Rita A. Noall, and Cindy L. Miller sued on behalf of Defendant's clients (the "class members").

4. Why is there a Settlement and what is its effect?

After many years of litigation and extensive negotiations, the parties have agreed to a Settlement. The Court did not make any decisions as to the ultimate merits of the allegations. A Settlement avoids the uncertainty, risks, and delay of continued litigation, and gives class members the opportunity to receive a cash Benefit Amount now subject to the Settlement's approval by the Court. The Representative Plaintiffs and their lawyers believe that the Settlement is fair and in the best interest of the Classes. Unless you Opt-Out, you are accepting the Settlement. This means that if the Settlement is approved, you will be releasing all Claims in this class action and will not be able to sue Defendant as to any of the Claims brought in this lawsuit, whether you file a Claim Form for a Benefit Amount or not.

THE SETTLEMENT BENEFITS – WHAT YOU GET

5. What does the Settlement provide?

If you submit a Valid Claim Form by June 22, 2020, you can receive a cash Benefit Amount payment equal to the full amount of any Fee you paid plus interest calculated pursuant to O.R.C. Chapters 1343 and 5703.47. Additionally, there is a *Cy Pres* Payment of \$200,000, half of which can be directed and presented by or on behalf of Plaintiffs to the charities of their choice and half of which can be directed and presented by Defendant to charities of its choice, with the option of Class Counsel to attend any such presentment. The *Cy Pres* Payment, as well as Attorneys' Fees and the Costs incurred by the Class Counsel, DO NOT reduce your Benefit Amount. The Settlement also provides for injunctive relief in the form of certain disclosure reforms implemented by Defendant.

HOW TO GET A PAYMENT – SUBMIT A CLAIM FORM

6. How can I get a cash Benefit Amount payment?

To qualify for a cash Benefit Amount payment, you must fill out and timely submit a Claim Form by June 22, 2020. You can submit the Claim Form online at www.CantlinSettlement.com. If you want to submit a paper Claim Form by mail, you can print a copy available online at www.CantlinSettlement.com, or call 833.930.2420 and ask that a paper Claim Form be mailed to you.

You will be asked, but are not required, to include your unique class member identifier on the Claim Form, which will help make it easier to submit a Claim electronically. This code is on the postcard you received. If you did not receive or can't locate your postcard, you can contact the Settlement Administrator at 833.930.2420 and obtain your unique Class Member identifier. Claim Forms submitted by mail must be postmarked by June 22, 2020; Claim Forms filed online must be submitted by June 22, 2020 at 11:59 p.m. Eastern Time.

If you submit an incomplete or late Claim Form, your Claim will not be deemed a Valid Claim and you will be ineligible to receive a Benefit Amount payment under the Settlement.

7. What happens if I don't send in a Claim Form?

If you neither submit a Claim Form nor opt-out from the Settlement as described in the next section below, you will still be bound by all the terms of the Settlement, including Releasing all Claims as described in the Settlement Agreement, you will not be able to sue Defendant for the Claims alleged in this class action, and you will not receive any Benefit Amount payment from the Settlement.

OPT-OUT FROM THE SETTLEMENT

8. What does excluding myself from the Settlement mean?

If you don't believe the Settlement is fair or don't want a Benefit Amount payment from the Settlement, then you may Opt-Out (*i.e.*, exclude yourself) from the Settlement. To Opt-Out from the Settlement, you must submit a statement to the Settlement Administrator that is signed and states your full name, address, and phone number stating "I/We wish to be excluded from the Settlement Class and Settlement in the *Cantlin Action*." Your Opt-Out statement must be returned to the Settlement Administrator so that it is postmarked on or before May 14, 2020: Class Action Opt-Out, Settlement Administrator, PO Box 58967, Philadelphia PA 19102-8967.

If you choose to Opt-Out of the Settlement: (1) you will not get any Benefit Amount; and (2) you cannot file an Objection to the Settlement. By Opting-Out, you will not be legally bound by the Settlement, and may still pursue your own claims against Defendant at your own expense if they are not too late under the applicable statute of limitations.

OBJECTING TO THE SETTLEMENT

9. How can an Objection be made?

If you fall within the definitions of a Class Member set forth above, you may file an Objection to the Settlement. You cannot object to the Settlement if you Opt-Out from the lawsuit. Any Objection must be filed with the Court and must be served upon the Settlement Administrator as well as upon all the lawyers representing the Class and the Defendant at the addresses below.

Your written Objection must be served on Class Counsel and Defendant's Counsel (listed below) no later than May 14, 2020 and include all of the following information to be considered valid: (a) reference at the beginning to *Cantlin v. Smythe Cramer Co.*, Case No. 12-790865, the Court of Common Pleas, Cuyahoga County, Ohio; (b) the objector's full name, address, and telephone number; (c) the name, current address and phone number of all lawyers or other persons working with, representing, or advising the objecting Class Member in connection with the Objection; (d) a written statement of all grounds for the Objection, accompanied by any legal support for such Objection; (e) copies of any papers, briefs, or other documents upon which the Objection is based; (f) a list of all persons who will be called to testify in support of the Objection; (g) a statement of whether the objector intends to appear at the Final Approval Hearing. If the objector intends to appear at the Final Approval Hearing through counsel, the Objection must also state the identity of all attorneys representing the objector who will appear at the Final Approval Hearing; (h) a statement of his, her, or its membership in one of the Settlement Classes, including all information required by the Claim Form; and (i) a detailed list of any other Objections to

class action settlement filed by the Objector or his, her, or its counsel in any court, whether state or federal, in the United States, in the previous five (5) years. If the Settlement Class Member or his, her, or its counsel has not objected to any other class action settlement in any court in the United States in the previous five (5) years, he, she, or it shall affirmatively state so in the written materials provided in connection with the Objection to this Settlement. Any Class Member who fails to timely file and serve a written Objection containing all of the information listed above in the previous paragraphs, including notice of his, her, or its intent to appear at the Final Approval Hearing, shall not be permitted to object to the Settlement and shall be foreclosed from seeking any review of the Settlement or the terms of the Settlement Agreement by any means, including but not limited to an appeal. To appeal from any provision of the order approving the Settlement as fair, reasonable and adequate, the Attorneys' Fees or the award of incentive payments, the Class Member must appear in person, or through counsel, or seek leave of Court excusing such appearance prior to the Final Approval Hearing, or as otherwise may be permitted by the Court at the Final Approval Hearing. Further, any Class Member who submits a timely written Objection shall consent to deposition by Class Counsel and/or Defendant's counsel prior to the Final Approval Hearing.

If any objecting Class Member, or that Class Member's counsel, has objected to a class action settlement on more than three occasions, the notice of intent to object must also contain: a. a list all cases in which such Objections were filed and by whom; b. the outcome of the Objections; c. the amount of money, if any, paid in connection with the Objection to the objecting Class Member, Class Member's counsel, or to anyone else; d. the identity of the person or entity that made the payment; e. the identity of the person or entity that received the payment or any subsequent distribution of that payment; and f. a declaration of whether the information in subsections (c)-(e) above was disclosed to the court overseeing the proposed settlement.

If you wish to object to the Settlement and you do not serve a written Objection containing all of the information listed above, you will not be permitted to object to the Settlement and will be foreclosed from seeking any review of the Settlement by any means, including but not limited to an appeal. Members of the Settlement Class who do not timely make their Objections in this manner will be deemed to have waived all Objections and shall not be entitled to be heard at the Fairness Hearing. You have the right to retain a lawyer at your own expense to file your Objection. If your lawyer intends to appear at the Fairness Hearing, your lawyer must file and serve a notice of appearance with the Clerk of the Court and upon the counsel of record listed below:

<p>CLASS COUNSEL: Patrick J. Perotti Dworken & Bernstein Co., L.P.A. 60 South Park Place Painesville, Ohio 44077</p> <p>James A. DeRoche Garson Johnson LLC 101 West Prospect Avenue, Suite 1600 Midland Building Cleveland, Ohio 44115</p>	<p>DEFENDANT COUNSEL: Jay N. Varon Foley & Lardner LLP 3000 K Street, N.W. Suite 600 Washington, DC 20007-5109</p> <p>Anthony J. Coyne Mansour Gavin LPA North Point Tower 1001 Lakeside Ave., Suite 1400 Cleveland, Ohio 44114</p>
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THE LAWYERS REPRESENTING YOU AND ATTORNEYS' FEES

10. Who is Class Counsel?

The Court has appointed the following lawyers to represent you and the Class: Patrick J. Perotti of Dworken & Bernstein Co., L.P.A. and James A. DeRoche of Garson Johnson LLC.

You are not personally responsible for payment of Attorneys' Fees and Costs for Class Counsel and no Attorney Fees will be deducted from your Benefit Amount. Attorney Fees, as approved by the court, are being paid separately by Defendant and do not affect your Benefit Amount in any way.

The Settlement provides that Defendant will pay Class Counsel, subject to Court approval, their legal fees and reimbursement of expenses in an amount not to exceed \$8,500,000. Class Counsel will also ask the Court to authorize Representative Plaintiff Incentive Awards of \$5,000 to be paid to each Representative Plaintiff who contributed in a significant way by, among other things, bringing this Action, providing important information and documents used to achieve the Settlement, and having their depositions taken by Defendant.

Class Counsel's motion for Attorneys' Fees and Costs incentive compensation may be viewed on the Settlement Website at <http://www.CantlinSettlement.com>, and the Court will hear that motion at the Final Approval Hearing.

THE FINAL APPROVAL HEARING

11. What is a Final Approval Hearing?

A Final Approval Hearing is a proceeding in which the Court reviews the settlement of the parties, considers any objections that have been made and determines whether the settlement terms, including Attorneys' Fees and Costs, incentive and all other payments are fair and adequate. The Final Approval Hearing will be held before the Honorable John P. O'Donnell, in Courtroom 18-D of the Court of Common Pleas, Cuyahoga County, Ohio, 1200 Ontario Street, Cleveland, Ohio 44113 on May 28, 2020 at 2:30 p.m. *You do not have to appear at this Hearing.*

GETTING MORE INFORMATION

12. How do I get more information about the settlement?

You can contact the Settlement Administrator at 833.930.2420; or you may visit the Settlement Website at <http://www.CantlinSettlement.com>, where you will find answers to frequently asked questions about the Settlement as well as copies of all pertinent Settlement documents, including the Settlement Agreement, the complaint, the motion for Attorneys' Fees, and other materials.

You may also contact Class Counsel Patrick J. Perotti, Dworkin & Berstein Co., L.P.A., 60 South Park PL, Painesville, OH 44077 at pperotti@dworkenlaw.com or 440.316.2655.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, OR THE DEFENDANT WITH INQUIRIES ABOUT THE SETTLEMENT.