

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
CASE NO. 50 2006 CA 002080 xxxxMB
Division AH

Samantha S. Moss as Class Representative
of those similarly situated;
Plaintiff,

vs.

Olen Properties Corporation a Florida corporation
and Olen Residential Realty Corporation a
foreign corporation all licensed to do business
in Florida
Defendants.

NOTICE OF PENDENCY OF CLASS ACTION

To: Tenants and their co-signers who had a judgment entered against you by Olen Residential, or who moved or left a Olen Residential Florida apartment from March 1, 2002 to date, who signed an Olen form lease and who received a demand for fees resulting from: “Cancellation Fee”, “Fulfill Lease Term Fee”, “Fulfill 30 day Term Fee”, “Contractual Fees”, or “Liquidated Damages”.

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

Your rights may be affected by a lawsuit pending in this Court, CASE NO. 50 2006 CA 002080 xxxxMB

I. BACKGROUND OF THE CASE

The named Plaintiff in this action has filed a Complaint on behalf of former tenants seeking certain relief for Tenants and their co-signers who had a judgment entered against them by Olen Residential, or who moved or left a Olen Residential Florida apartment from March 1, 2002 to date, who signed an Olen form lease and who received a demand for fees resulting from: “Cancellation Fee”, “Fulfill Lease Term Fee”, “Fulfill 30 day Term Fee”, “Contractual Fees”, or “Liquidated Damages”. Plaintiff alleges that Olen Residential’s charging of these fees, whether paid by the tenant or not, was a violation of: Florida common law; the Florida Residential Landlord Tenant Act (Ch. 83, F.S.); the Florida Consumer Collection Practices Act, (Section 559.72, F.S.) and the Florida Deceptive and Unfair Trade Practices Act, (Fla. Stat. § 501.201, et seq.) as to all members of the class and that such class members are entitled to a monetary recovery and injunctive relief from Olen Residential, including attorneys’ fees and costs. Olen Residential denies any wrongdoing and that Plaintiffs are entitled to any recovery, and states that it will vigorously defend the lawsuit.

II. CLASS ACTION RULING

On January 5, 2007 the Circuit Court for Palm Beach County ruled that this lawsuit may be maintained as a class action by Plaintiff on behalf of the following class:

Tenants and their co-signers who had a judgment entered against them by Olen Residential, or who moved or left a Olen Residential Florida apartment from March 1, 2002 to date, who signed an Olen form lease and who received a demand for fees resulting from: “Cancellation Fee”, “Fulfill Lease Term Fee”, “Fulfill 30 day Term Fee”, “Contractual Fees”, or “Liquidated Damages”.

The Court has named the law firms of: Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401, as Class Counsel, and the named Plaintiff Samantha Moss as representative of the class.

The Court has not decided the merits of the Plaintiff's claims or Olen Residential's defenses. The purpose of this Notice is to advise you of the existence of this case and how it may affect your rights. If you wish to remain a member of the class, you do not need to do anything at this time. Your interests will be represented by the lawyers for the class who have been appointed by the Court and your rights as a class member will be determined by the outcome of the case. If you want to be excluded from the Class, you must complete the enclosed form ("Request for Exclusion From Class") and return it to: Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401, by mail **postmarked no later than May 13, 2007**. By making an election to be excluded, (1) in the event that any recovery is paid to members of the Class upon resolution of this lawsuit, you will not share in such recovery; (2) you will not be bound by any decision in this lawsuit favorable to Olen Residential; and (3) you may separately assert any claims you have against Olen Residential by filing your own lawsuit, or you may seek to intervene in this lawsuit.

If you want to remain a member of the Class, you should NOT sign the "Request for Exclusion From Class" and are NOT required to do anything at this time.

III. RIGHTS AND OBLIGATIONS OF CLASS MEMBERS

If you remain a member of the Class: (a) Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401 will act as your attorneys in this case. If you desire, you may seek to intervene individually and be represented by your own attorney; (b) your participation in any recovery which may be obtained from Olen Residential through trial or settlement will depend upon the results of this lawsuit. If no recovery is obtained for the Class, you will be bound by that result also; (c) you may be required, as a condition to participating in any recovery through settlement or trial, to present evidence regarding your status as a Class Member; and (d) you will be entitled to notice of and an opportunity to be heard respecting any proposed settlement or dismissal of the Class claims.

IV. FURTHER PROCEEDINGS

As noted previously, Olen denies the lawsuit's allegations and denies that Plaintiff is entitled to any recovery. You may communicate with either Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401 if you have evidence you believe would be helpful to establish the Class claims, and you may be asked by the parties to provide information relevant to the case.

V. ADDITIONAL INFORMATION

Any questions you have concerning the matters contained in this Notice should not be made to the Court but should be directed in writing to: Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401.

VI. REMINDER AS TO TIME LIMIT

If you wish to be excluded from the Class on whose behalf this action is being maintained, return the completed "Request for Exclusion From Class" to: Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd., Suite 100, West Palm Beach, Florida 33401 by mail postmarked no later than **May 13, 2007**.

Dated: March 14, 2007

BY ORDER OF THE COURT
FIFTEENTH JUDICIAL CIRCUIT FOR
PALM BEACH COUNTY, FLORIDA