

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.

Order on Notice to Class Members

Pursuant to this Court's Order on class certification dated January 5, 2007 and pursuant to Rule 1.220 Fla. R.C.P. the Court now directs the Plaintiffs to provide proper notice to the class as follows:

1. Within 15 days from receiving mailing lists requested in Plaintiff's Request for Production of Documents for Notice to Class Members dated January 8, 2007, Plaintiffs shall mail by first class mail to those former tenants identified in said

discovery, a copy of the Notice of Pendency of Class Action form and Exclusion from Class form (in both English and Spanish) as attached to this order.

2. Within 10 days of the date of this order Plaintiffs shall establish a web site at www.olenclassaction.org for purposes of providing information to class tenants. The web site shall contain: (a) The Notice of Pendency of Class Action and Exclusion from Class as attached to this order; (b) a copy of the Amended Complaint and Answer in this Action; (c) The definition of class members and a copy of this Court's Order on Class Certification dated January 5, 2007; (d) a brief description of the Law Firms in this action with a link to each Firm's web site; (e) a listing of all Olen Apartment Complexes in Florida subject to this Order; and (f) copies of the Olen Lease Form.

3. Within 15 days of the date of this order Plaintiffs shall place ads in not less than two recognized "Apartment Finders" web sites for purposes of providing additional notice to class tenants. The web site ads shall contain The Summary Class Notice as attached to this order, with a link to the web site for class notice as described in paragraph 2.

4. The Exclusion from Class ("opt out") period for class members to fill out and file their Exclusion from Class form shall be for 45 days from the date Plaintiff completes the notice requirements stated herein.

SO ORDERED at West Palm Beach, Palm Beach County Florida, this 7 day of February, 2007.

CONFIRMED

CIRCUIT JUDGE
EDWARD FINE

Copies furnished to:

Ted Babbitt Esq;
Rod Tennyson, Esq.,
Sheridan Weissenborn Esq.
Henry Trawick Esq.,,

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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 (“Exclusion Request”) 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 _____, 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 make seek to intervene in this lawsuit.

If you want to remain a member of the Class, you should NOT sign the "Exclusion Request" 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 "Exclusion Request" to Babbitt and Johnson P.A. and Rod Tennyson P.A., 1450 Centrepark Blvd, Suite 100, West Palm Beach, Florida 33401 by mail postmarked on or before _____, 2007.

Dated: January __, 2007

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

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_____/

**REQUEST FOR EXCLUSION FROM CLASS
(ONLY FILL OUT THIS FORM IF YOU WISH TO BE EXCLUDED
FROM THE CLASS)**

THIS DOCUMENT MUST BE POSTMARKED NO LATER THAN _____, 2007.
IT MUST BE SENT VIA U.S. REGULAR MAIL.

PLEASE MAIL THIS EXCLUSION FORM VIA U.S. REGULAR MAIL TO:

Attorneys for Class:
Theodore Babbitt, Joe Johnson and Rod Tennyson
1450 Centrepark Blvd, Suite 100
West Palm Beach, Florida 33401

**IT IS MY DECISION TO EXCLUDE MYSELF FROM THE CLASS IN THIS CLASS
ACTION**

CASE. I confirm that I was a Tenant or co-signer who had a judgment entered against me 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". I confirm that I have received notice of this action, I have decided to
be excluded from the class, and I have decided not to participate in the class action.

Dated: _____

_____ (telephone number)

_____ (Social security #)

(address)

(signature)

(address, continued)

(type or print name)

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SUMMARY 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 is to advise you that the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida has certified this action as a class action. If you are a member of the above-described Class and have not received a Notice of Pendency of Class Action, you may obtain a copy of the Notice from www.olenclassaction.org or by contacting Attorney Rod Tennyson.

If you are a member of the Class, you need do nothing to remain in the Class. As a member of the Class, you will be represented by Plaintiffs' Counsel who are:

Rod Tennyson
1450 Centrepark Blvd, Suite 100
West Palm Beach, Florida 33401
561-478-7600

All inquiries regarding this case should be addressed to Plaintiffs' counsel in this litigation.

DO NOT CONTACT THE CLERK OF THE COURT.

By Order dated January __, 2007