

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL DISTRICT
IN AND FOR PALM BEACH COUNTY, FLORIDA

WENDY BETTS, individually and on behalf of others similarly situated,
Plaintiffs, CASE NO: 502001CA000320OCAI-MB
v.
MCKENZIE CHECK ADVANCE OF FLORIDA, LLC, d/b/a NATIONAL CASH ADVANCE (“National Cash
Advance”), *et al.*,
Defendants.

GERALD BETTS, individually and on behalf of others similarly situated,
Plaintiffs, CASE NO: 502004CA008164XXXXI-MB
v.
ADVANCE AMERICA CASH ADVANCE CENTERS, INC., ADVANCE AMERICA CASH ADVANCE
CENTERS OF FLORIDA, INC., (“Advance America”) *et al.*,
Defendants.

NOTICE OF SETTLEMENT OF CONSOLIDATED CLASS ACTION CASES

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

**TO ALL PERSONS WHO ENTERED INTO A PAYDAY LOAN WITH NATIONAL CASH ADVANCE OR
ADVANCE AMERICA PRIOR TO MARCH 12, 1999.**

In 2001, a class action lawsuit was filed by Plaintiff Wendy Betts in Florida state court on the issue of whether payday loans violated state laws and named as defendants McKenzie Check Advance of Florida, LLC d/b/a National Cash Advance and multiple individuals (collectively “NCA Defendants”). After 15 years of litigation and appeals, the trial court certified the matter as a class action in 2016, naming Wendy Betts as the Class Representative. The class claims are for violation of the: Florida Lending Practices Act; Florida Consumer Finance Act; Florida Deceptive and Unfair Trade Practices Act; and Civil Remedies for Criminal Practices Act.

In 2004, a class action lawsuit was also filed by Plaintiff Gerald Betts in Florida state court naming as defendants Advance America and several individuals (collectively “AA Defendants”). The class claims were the same as those made against the NCA Defendants.

The Court has not ruled on the merits in either case and the NCA and AA Defendants do not admit any wrongdoing. The parties have agreed to consolidate and settle the cases recognizing the expense, time, and risk associated with continued litigation. This Notice is provided to inform you about the Settlement.

Attorneys, Sean Estes of James Hoyer, P.A.; Clay Yates of E. Clayton Yates Law, P.A.; Richard Fisher of Richard Fisher Law Office; Theodore Leopold and Diana Martin of Cohen Milstein Sellers & Toll PLLC; and Paul Bland of Public Justice have been appointed as counsel for the class (collectively “Class Counsel”).

The class consists of all persons (“customers”) who, at any time before March 12, 1999, received cash for their personal check from National Cash Advance and/or Advance America under an agreement that the check would be held for a short period of time (generally two weeks) in exchange for a fee, and whose agreement did not contain an arbitration provision. The class excludes the NCA and AA Defendants and persons related to or affiliated with them, and any customers who signed an agreement with an arbitration provision.

ELECTION BY CLASS MEMBERS

According to the NCA and AA Defendants’ records, you may be included within the above-defined class. As a member of the Class, you are electing to receive a portion of the Settlement Fund in proportion to the amount of fees you were charged by National Cash Advance and/or Advance America as determined by Class Counsel from the NCA and AA Defendants’ records.

If you wish to be included in the class, you must submit your claim form online at www.flpaydayloansettlement.com no later than May 2, 2018 or you can sign and return the enclosed Claim Form so that it is postmarked on or before May 2, 2018.

If you want to be excluded from the class, you must request to be excluded in a writing mailed to *Betts v. National Cash Advance and Advance America*, Settlement Administrator, Post Office Box 25386 Richmond, VA 23260 by mail, and postmarked no later than March 5, 2018. Your exclusion request must include your full name, address, telephone number, a statement that you wish to be excluded from the Settlement, and your signature.

By making an election to be excluded:

- (A) you will not share in any recovery obtained for the class as a result of this Settlement; and
- (B) you will not be bound by any terms of the Settlement and you may present any claims you have against the National Cash Advance and/or Advance America Defendants by filing your own lawsuit. Please be aware that time limitations may affect your rights to pursue a claim.

If you want to remain a member of the class, **DO NOT** mail an exclusion request.

THE SETTLEMENT BENEFITS—WHAT YOU GET

The NCA and AA Defendants have agreed to create a Settlement Fund in the amount of \$4,322,500.00. The Settlement Administrator will deduct the cost of administration, incentive awards to Class Representatives, and attorney's fees and litigation expenses for Class Counsel, all of which must be approved by the Court. The money remaining in the Settlement Fund after these deductions will be distributed *pro rata* to Class Members who submit a valid claim.

Your share of the fund will depend on the number of valid claims that Class Members send in, and the amount of transactions you engaged in with the NCA and AA Defendants. Here's how it works:

Your claim is based on the total amount of fees you were charged for transactions before March 12, 1999, as calculated from the NCA and AA Defendants' records. The total of fees you were charged is listed on the Claim Form included with this Notice. Once all claims have been verified, class members who have submitted valid claims will receive a settlement benefit check in proportion to the amount of fees each claimant was charged by National Cash Advance and/or Advance America as determined by Class Counsel from the NCA and AA Defendants' records. No Class Member will receive more than \$10,000.00. If there are any funds remaining after the distributions to the Class Members, such funds will be distributed as a *cy pres* award to a charitable organization approved by the Court.

RIGHTS AND OBLIGATIONS OF CLASS MEMBERS

If you remain a member of this class:

1. Wendy Betts and Gerald Betts have been approved by the Court to act as your class representatives for the administration of this Settlement. James Hoyer, P.A., E. Clayton Yates, P.A., Richard Fisher Law Office, Cohen Milstein Sellers & Toll PLLC, and Public Justice have been approved by the Court to act as your legal counsel. You do not have to pay these attorney's fees. Their fees and costs will be paid from the Settlement Fund, as noted above. If you desire, you may also appear with your own attorney at your own expense.
2. You may be entitled to a recovery from the Settlement Fund in proportion to the amount of fees you were charged by National Cash Advance and/or Advance America as determined by Class Counsel from the NCA and AA Defendants' records. **Notify the Settlement Administrator of any corrections or changes in your name and/or address in writing to *Betts v. National Cash Advance and Advance America*, Settlement Administrator, Post Office Box 25386, Richmond, VA 23260 or through the website: www.flpaydayloansettlement.com.**

OBJECTING TO THE SETTLEMENT

The Settlement is not yet final. The Settlement will only become final if the Court first approves the Settlement as fair, reasonable, and adequate.

The Court will hold a Final Hearing to consider the proposed Settlement on June 1, 2018 at 8:45 a.m. Before the Final Hearing, members of the Settlement Class can let the Court know if they object to the Settlement. If you object to the Settlement, you must object in writing and it must include the following information:

- (1) The name and number of the case as indicated at the beginning of this Notice;
- (2) Your full name, address, and telephone number;
- (3) Your objection and the reason for your objection; and
- (4) Your signature.

Your objection must be postmarked on or before March 5, 2018. The Settlement Administrator will submit your objection to the Court and the parties.

You do not need to participate at the Final Hearing in order to have your objection considered by the Court. However, if you wish to participate at the Final Hearing, please include a sentence in your written objection that you wish to participate so that we can notify you if the Final Hearing date or time changes.

FURTHER PROCEEDINGS - THE FINAL APPROVAL HEARING

There will be a hearing to decide whether to approve the Settlement June 1, 2018 at 8:45 a.m., 15th Judicial Circuit Court, 205 North Dixie Highway, West Palm Beach, FL 33401. You may attend and you may ask to speak, but you don't have to. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will decide at the hearing whether to approve the Settlement, and how much should be deducted from the Settlement Fund for administration costs, attorney's fees, litigation expenses, incentive awards for the Class Representatives, and the appropriate distributions to Class Members.

If you decide to remain a member of the class and wish to communicate with Class Counsel as your attorney in these lawsuits, you may do so by contacting Julie Boyd, a paralegal for one of the attorneys, at 1-866-479-7009 (toll-free).

Court appointed Class Counsel are:

Sean Estes, Esq. JAMES HOYER PA 2801 W. Busch Blvd. Ste 200 Tampa, FL 33618	Clay Yates, Esq. E. CLAYTON YATES, P.A. 426 Avenue A Fort Pierce, FL 34950	Richard A. Fisher, Esq. RICHARD FISHER LAW OFFICE 1008 Tasso Rd NE Cleveland, TN 37323	Theodore Leopold, Esq. Diana Martin, Esq. COHEN MILSTEIN SELLERS & TOLL PLLC 2925 PGA Blvd., Ste 200 Palm Beach Gardens, FL 33410	F. Paul Bland Jr. PUBLIC JUSTICE 1620 L Street, NW, Ste 630 Washington, DC 20036
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You may, of course, seek the advice and guidance of your own attorney, if you desire, at your own cost. The pleadings and other records in this lawsuit may be examined and copied at any time during regular business hours at the Office of the Clerk: Palm Beach County Clerk of the Court, 205 North Dixie Highway, West Palm Beach, FL 33401.

Please do not contact the County Clerk's Office regarding the matters contained in this notice.

Any questions you have concerning the matters contained in this notice should not be directed to the Court, but should be directed in writing to *Betts v. National Cash Advance and Advance America*, Settlement Administrator, Post Office Box 25386, Richmond, VA 23260.