

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

**If you resided in any of the properties owned and/or managed by MID-AMERICA APARTMENTS, LP, you may be entitled to benefits from a class action settlement.**

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

- This Notice informs you of a proposed settlement in a class action lawsuit filed by Ricardo Rowland and Kenneth Spurlock (the “Class Representatives” or “Plaintiffs”) against Mid-America Apartments, LP (“MAALP” or the “Defendant”). Plaintiffs alleged that the Defendant engaged in unfair debt collection in its attempts to collect upon court costs, fees, penalties and other improper charges. The Settlement resolves the lawsuit. The Defendant denies that it did anything wrong or unlawful, including any liability to Plaintiffs and to the members of the Settlement Classes (defined below).
- If you are included in the Settlement, you may qualify to receive compensation. The amount of compensation is dependent on whether you are a member of the Collection Letter Class or Eviction Fee Class (the “Settlement Classes”).
  - **Collection Letter Class Members**. If you are a natural person who, at any point between December 18, 2013 and June 25, 2018 (the “Class Period”), resided in any of the Defendant’s properties in North Carolina (the “Defendant’s Properties”) and was sent a written communication from the Defendant or its affiliates threatening to charge Eviction Fees<sup>1</sup> or claiming that such Eviction Fees were then owed (a “Collection Letter”).
  - **Eviction Fee Class Members** If you are a natural person who, during the Class Period: (a) resided in any of the Defendant’s Properties; (b) was charged Eviction Fees by the Defendant or its affiliates; and (c) actually paid such Eviction Fees.
- **Please see the chart on the next page which provides a quick reference guide to the deadlines and obligations of members of the Settlement Classes described above.**
- **If you are a member of the Settlement Classes, your legal rights are affected whether you act or do not act. Read this Notice carefully.**

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<sup>1</sup> “Eviction Fees” means the amount of attorneys’ fees, process service costs and/or court costs incurred by the Defendant in connection with the filing of an action for summary ejection, eviction or other similar possessory claim against a resident of one of the Defendant’s Properties related to their tenancy with Defendant during the Class Period.

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<b>COLLECTION LETTER CLASS and EVICTION FEE CLASS</b>	
<b>SUBMIT A CLAIM FORM BY July 28, 2020</b>	If you wish to receive benefits from the Settlement, you must submit a valid and timely Claim Form.
<b>EXCLUDE YOURSELF By May 27, 2020</b>	You will receive no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendant about the legal claims in this case.
<b>OBJECT By May 27, 2020</b>	Write to the Court about why you think the Settlement is unfair, inadequate, or unreasonable.
<b>GO TO A HEARING ON August 11, 2020 AT 10:00 A.M.</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	Receive no payment and give up your rights to ever sue the Defendant about the legal claims in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website, [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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## BASIC INFORMATION

### 1. Why is there a notice?

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the U.S. District Court for the Middle District of North Carolina (the “Court”), and the case is called *Ricardo Rowland and Kenneth Spurlock v. Mid-America Apartments, LP d/b/a Colonial Grand at Research Park and The Preserve at Brier Creek*, Civil Action No. 1:18-cv-00043-NCT-LPA. The individuals who sued are called the Plaintiffs (also known as the Class Representatives), and the company being sued is called the Defendant.

### 2. What is this lawsuit about?

The lawsuit alleges that the Defendant unlawfully charged Eviction Fees when filing summary ejectment/eviction actions against its tenants. Plaintiffs also alleged that the Defendant unlawfully threatened to charge Eviction Fees by sending the Collection Letters.

The lawsuit, as amended, brought four claims for relief: a violation of the North Carolina Residential Rental Agreements Act (N.C.G.S. § 42-46), a violation of the North Carolina Debt Collection Act (N.C.G.S. § 75-50 et seq.), a violation of the North Carolina Unfair and Deceptive Trade Practices Act (N.C.G.S. § 75-1.1 et seq.), and for declaratory judgment.

The Defendant denies these claims, contends that it has numerous defenses to the action, and denies that class certification is required or appropriate.

### 3. Why is this a class action?

In a class action, one or more people, called the “Class Representatives,” sue on behalf of people who have similar claims. In this case, there are two classes, the Eviction Fee Class and the Collection Letter Class. All these people are in a “class” and are called Members of the Settlement Classes, except for those who exclude themselves from the Settlement Classes. The Honorable N. Carlton Tilley in the U.S. District Court for the Middle District of North Carolina is in charge of this class action.

### 4. Why is there a Settlement?

The Court did not decide which side was right or whether the claims have any merit. Instead, both sides agreed to a settlement to avoid the costs and risks of further litigation and provide benefits to members of the Settlement Classes. The settlement does not mean that a Court found that the Defendant broke any laws or did anything wrong. The Class Representatives and the lawyers representing them (called “Class Counsel”) believe that the settlement is in the best interests of all members of the Settlement Classes.

## WHO IS IN THE SETTLEMENT?

### 5. How do I know if I am in the Settlement?

There are two Settlement Classes in this class action:

- A) **Collection Letter Class Members:** You are a Collection Letter Class Member if you are a natural person who, during the Class Period, resided in any of the Defendant’s Properties and were sent a Collection Letter. A selection of Collection Letters can be found at: [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com).
- B) **Eviction Fee Class Members:** You are an Eviction Fee Class Member if you are a natural person who, during the Class Period, (a) resided in any of the Defendant’s Properties and (b) were charged Eviction Fees by the Defendant or its affiliates, and (c) actually paid such Eviction Fees.

**Eviction Fee Class Members may also be Collection Letter Class Members if they can meet the requirements of both Classes.**

Excluded from the Settlement Classes are (1) present owners, investors, directors, officers, employees, partners, members, principals, agents, underwriters, insurers, co-insurers, re-insurers, indemnitors, shareholders, attorneys, accountants or auditors, banks or investment banks, associates, personal or legal representatives, consultants,

vendors, contractors, volunteers, performers, co-marketers, licensors, concessionaires, franchisors, and assigns of the Defendant; (2) persons who filed, before Final Approval (as defined in the Settlement Agreement), any bankruptcy proceeding; (3) persons who exclude themselves from the Settlement Classes as provided in this Notice; (4) the district judge presiding over this case and the judges of the United States Court of Appeals for the Fourth Circuit, and their the spouses; (5) persons within the third degree of relationship of those individuals in category (4) and their spouses.

**6. What if I am still not sure if I am included in the Settlement?**

If you are not sure whether you are a member of the Settlement Classes, or have any other questions about the Settlement Agreement, you should visit the Settlement Website, [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com), or call the toll-free number, 1 (844) 386-0883.

## SETTLEMENT BENEFITS

**7. What does the Settlement provide?**

The Settlement provides for a Settlement Fund in the amount of \$1,100,000 which shall be used to pay all costs associated with the Settlement, including but not limited to (a) the costs of notice and administration of the Settlement, including for the Settlement Administrator to process claims, objections, and opt-out requests; (b) the payment of valid approved claims; (c) attorneys' fee awards (if any); (d) attorneys' costs; (e) service awards (if any) to the Class Representatives; and (f) any other expenses. In addition, any member of either of the Settlement Classes is eligible to file a Consent Motion to Set Aside Judgment for Possession Pursuant to Federal Rule of Civil Procedure 60(b)(5) and Stipulation of Dismissal, which will remove any judgment(s) entered by MAALP against such individual regarding summary ejection.

**8. What can I get from the Settlement?**

If you are a member of the *Collection Letter Class*, you must submit a valid and timely Claim Form either online at [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) or print, complete, and mail the Claim Form to the address below by **July 28, 2020**. If you submit such a Claim Form, you will be eligible to receive up to \$25.00 for each Collection Letter that you received, with a maximum of \$75.00. If you make a claim for benefits, you must swear, under penalty of perjury, to receiving a Collection Letter, and state the month and year of each Collection Letter received.

For example, if you received two Collection Letters from the Defendant, you will be eligible to claim up to \$50.

If you submit a valid and timely Claim Form, the amount you actually receive may be reduced depending on how many valid claims are ultimately submitted by other members of the Settlement Classes. The available Settlement Fund will be distributed on a proportional basis once the Settlement becomes final. The Collection Letter Class has been allotted a total not to exceed \$200,000 of the Settlement Fund. Any amounts unclaimed from the \$200,000 allotted to the Collection Letter Class will be allocated to the Eviction Fee Class.

Note, if you are a member of the *Collection Letter Class*, you may also be a member of the *Eviction Fee Class*.

**You must submit a valid and timely Claim Form to obtain Collection Letter benefits.**

If you are a member of the *Eviction Fee Class*, you must submit a valid and timely Claim Form either online at [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) or print, complete, and mail the Claim Form to the address below by **July 28, 2020**. If you submit such a Claim Form, you will be eligible to receive up to \$800, subject to pro rata reduction as explained below. The \$800 benefit is available on a per-unit basis. Members of the Eviction Fee Class who shared a single unit and who file claims shall receive a proportional amount of the benefit. For example, if two members of the Eviction Fee Class shared a unit, they would each receive up to up to \$400.

If you submit a valid and timely Claim Form, the amount you actually receive may be reduced depending on how many valid claims are ultimately submitted by other members of the Eviction Fee Class. The available Settlement Fund will be distributed on a proportional basis once the Settlement becomes final. The Eviction Fee Class has been allotted the remainder of the Settlement Fund and any unclaimed funds allotted to the Collection Letter Class. The exact amount of compensation will be determined after administrative expenses, service award, and attorneys' fees and costs are deducted, and distribution to Class Members may be subject to a pro rata reduction if oversubscribed.

Both members of the Collection Letter Class and the Eviction Fee Class who file valid and timely claims may file a Consent Motion to Set Aside Judgment for Possession Pursuant to Federal Rule of Civil Procedure 60(b)(5) and Stipulation of Dismissal. This Motion will allow members of the Collection Letter Class and Eviction Fee Class who were filed on for eviction by the Defendant to remove the eviction action from their record. Members of both the Collection Letter Class and Eviction Fee Class will have the sole obligation of filling out and filing such Motion.

Note, if you are a member of the *Eviction Fee Class*, you may also be a member of the *Collection Letter Class*.

**You must submit a valid Claim Form to obtain benefits.**

**9. What am I giving up to stay in the Class?**

Unless you exclude yourself from the Settlement, you cannot sue the Defendant, continue to sue, or be part of any other lawsuit against the Defendant about the claims released in this Settlement. It also means that all of the decisions by the Court will bind you. The Class Released Claims are defined in the Settlement Agreement and describe the legal claims that you give up if you stay in the Settlement Classes. The Settlement Agreement is available at the Settlement Website [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com).

## HOW TO GET A PAYMENT

**10. How can I get a payment?**

Both *Collection Letter Class Members* and *Eviction Fee Class Members* must complete and submit a timely Claim Form to be eligible to receive a payment. You can complete and submit your Claim Form online at the Settlement Website, [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com). The Claim Form can be downloaded from the Settlement Website, as well. You can also request a Claim Form be sent to you by sending a written request to the Settlement Administrator by mail or by email.

**MAIL:** *Rowland v. MAALP*  
c/o Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

**EMAIL:** [Info@NCEvictionFeeMAALP.com](mailto:Info@NCEvictionFeeMAALP.com)

Please read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **July 28, 2020** or submit your Claim Form online at the Settlement Website, [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) by **July 28, 2020**.

If you do not submit a valid Claim Form by the deadline, you will not receive a payment, and your claims will be extinguished.

**11. When will I get my payment?**

Payments will be made after the Court grants “final approval” to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It’s always uncertain whether appeals can be resolved and resolving them can take time.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don’t want a payment from the Settlement, and you want to keep the right to sue or continue to sue the Defendant on your own about the claims released in this Settlement, then you must take steps to get out. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Classes.

**12. How do I get out of the Settlement?**

To exclude yourself, you must mail or email the Settlement Administrator, including the following:

- a. A caption or title that identifies it as “Request for Exclusion in *Rowland v. MAALP*, Case No. 1:18-cv-00043-NCT-LPA”;

- b. Your full name, address and telephone number;
- c. A statement that you wish to be excluded from the Settlement Classes; and
- d. Your original signature.

Your request for exclusion must be mailed and postmarked no later than **May 27, 2020** to the Settlement Administrator at:

<b>SETTLEMENT ADMINISTRATOR:</b>
Class Action Opt-Out <i>Rowland v. MAALP</i> Settlement PO Box 58220 Philadelphia, PA 19102  Email: <a href="mailto:Info@NCEvictionFeeMAALP.com">Info@NCEvictionFeeMAALP.com</a>

No person or entity may opt-out on behalf of another member of the Settlement Classes or a group of members of the Settlement Classes.

If you don't include the required information or timely submit your request for exclusion, you will remain a member of the Settlement Classes and will not be able to sue the Defendant about the claims in this lawsuit.

**13. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from the Settlement Classes to continue your own lawsuit. If you properly exclude yourself from the Settlement Classes, you will not be bound by any orders or judgments entered in the action relating to the Settlement Agreement.

**14. If I exclude myself, can I still get a payment?**

No. You will not get any money from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits.

## **OBJECTING TO THE SETTLEMENT**

**15. How can I tell the Court if I do not like the Settlement?**

Any member of either of the Settlement Classes who does not timely and properly opt out of the Settlement may object to the fairness, reasonableness, or adequacy of the proposed Settlement under Federal Rule of Civil Procedure 23. Each member of either of the Settlement Classes who wishes to object to any term of this Agreement must do so, in writing, by filing a written objection with the Clerk of the Court and mailing it to Settlement Class Counsel, and counsel for the Defendant.

**The written objection must include:** (i) the objector's name, address, email address and telephone number; (ii) the name of this action and the case number; (iii) a statement and explanation of each objection; and (iv) a statement of whether the objector intends to appear at the Fairness Hearing, either with or without counsel.

If the objection is made through an attorney, the written objection must also include: (1) the identity and number of the members of the Settlement Classes represented by objector's counsel; and (2) the number of such represented members of the Settlement Classes who have opted out of the Settlement Classes.

Any member of either of the Settlement Classes who files and serves a written objection satisfying the requirements of this section, may appear at the Fairness Hearing, either in person or through personal counsel hired at the such individual's expense, to object to any aspect of the fairness, reasonableness, or adequacy of the Settlement. Members of either of the Settlement Classes, or their attorneys, intending to make an appearance at the Fairness Hearing must

deliver to Class Counsel and Counsel for the Defendant and have file-marked by the Court, no later than **July 28, 2020** or as the Court otherwise may direct, a Notice of Intent to Appear.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to Class Counsel and Counsel for the Defendant no later than **May 27, 2020** at the following addresses:

<b>CLASS COUNSEL</b>	<b>DEFENDANT'S COUNSEL</b>	<b>COURT</b>
Scott Harris, Esq. Patrick Wallace, Esq. <b>Whitfield Bryson &amp; Mason LLP</b> 900 W. Morgan Street Raleigh, NC 27603  Edward H. Maginnis Karl S. Gwaltney <b>Maginnis Law, PLLC</b> 4801 Glenwood Avenue, Suite 310 Raleigh, NC 27612	Mark P. Henriques, Esq. <b>Womble Bond Dickinson (US) LLP</b> One Wells Fargo Center, Suite 3500 301 South College Street Charlotte, NC 28202-6037	United States District Court 324 W. Market Street Greensboro, NC 27401

**16. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

### **THE LAWYERS REPRESENTING YOU**

**17. Do I have a lawyer in this case?**

Yes. The Court has appointed "Class Counsel" as designated in Question 15 of this Notice to represent the Settlement Classes.

You will not be charged for these lawyers, but they will be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**18. How will the lawyers be paid?**

Class Counsel intends to file a motion on or before **July 28, 2020** seeking an award up to thirty-three percent (33%) of the Settlement Fund in fees and out of pocket expenses, as well as a service award in the amount of \$3,500 for each of the two Class Representatives for a total of \$7,000, to be drawn from the Settlement Fund. The Court will determine the amount of fees and expenses, and service awards.

### **THE COURT'S FAIRNESS HEARING**

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

The Court will hold a Fairness Hearing on **August 11, 2020 at 10:00 a.m.** at the U.S. District Court for the Middle District of North Carolina before the Honorable N. Carlton Tilley, United States District Court Judge, in Courtroom No. 2, located at 324 W. Market Street, Greensboro, North Carolina. Due to recent COVID-19 protective measures, the time, date, and/or location of the Fairness Hearing may change, including the possibility of it being held telephonically. Please check [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) for updates.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representatives. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**20. Do I have to come to the hearing?**



No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. If you choose to attend, please do not bring any electronic devices with you (including cell phones, laptops, or tablets) as they are not permitted in the courtroom.

**21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear." Your request must be filed with the Clerk of the Court and served on Class Counsel and Counsel for the Defendant no later than **July 28, 2020**.

Any such request must state the name, address, and telephone number of the Settlement Classes' member, as well as the name, address, and telephone number of the person that shall appear on his or her behalf. Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, may be deemed ineffective and a waiver of such Settlement Classes' member's rights to appear and to comment on the Settlement at the Fairness Hearing. Only the Parties, Settlement Classes' members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that opt out may not request to appear and be heard at the Fairness Hearing.

### **IF YOU DO NOTHING**

**22. What happens if I do nothing at all?**

If you are a *Collection Letter Class Member* or an *Eviction Fee Class Member* and do nothing, you will not get a payment from the Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant about the legal issues in this case, ever again.

### **GETTING MORE INFORMATION**

**23. How do I get more information?**

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Settlement Website [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com). If you have additional questions or want to request a Claim Form, you can visit the Settlement Website or contact the Settlement Administrator:

**MAIL:** *Rowland v. MAALP*  
c/o Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

**EMAIL:** [Info@NCEvictionFeeMAALP.com](mailto:Info@NCEvictionFeeMAALP.com)

**TOLL-FREE:** 1 (844) 386-0883

Updates will be posted at the Settlement Website [www.NCEvictionFeeMAALP.com](http://www.NCEvictionFeeMAALP.com) as information about the Settlement process becomes available.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE CONCERNING THIS CASE.**