

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA**

**ROSALIND WEAVER, individually, and
as Class Representative of a Class of
all similarly situated others,**

Case No.: 2013 CA 000268

Plaintiff,

v.

**CITY OF Wildwood, Florida, a political
subdivision of the state of Florida**

Defendant.

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To All Members of the Following Class: Those who have paid police user fees to the City of Wildwood from February 12, 2009 (the "Class").

THIS NOTICE AFFECTS YOUR RIGHTS. PLEASE READ IT CAREFULLY

Pursuant to the Court's June 25, 2014 Notice of Pendency of Class Action, unless you have opted-out of the lawsuit on or before November 10, 2014, you are covered by and will be bound by the settlement of a class action lawsuit regarding the City's charging of police user fees.

Plaintiff, Rosalind Weaver, sued the City of Wildwood. The Plaintiff alleges that the City of Wildwood's enactment of Ordinance 426 (the "Ordinance"), which imposed police user fees on its water utility customers, was an unlawful attempt to levy non-ad valorem taxes in violation of the Florida Constitution. The Plaintiff requests the Court declare the City's retention of the collected police user fees unlawful and order the City of Wildwood to refund all of the police user fees it has collected since February 12, 2009.

The Court ruled that this Lawsuit may be maintained as a class action on behalf of the following Class:

Those who paid the City police user Fees from February 12, 2009 (the "Class Members").

The estimated number of Class Members exceeds 2,800. The Court certified as Class Representative, Rosalind Weaver (the "Class Representative"). The Class Representative seeks relief on behalf of herself and all Class Members. Derek A. Schroth, Esq., is Class Counsel.

Summary of Proposed Settlement: The named Plaintiff and the City have reached a settlement. The City will set up a common fund of \$471,682.00. The fund will be used to pay a refund of fees paid by the class members and to pay for attorney's fees, costs, and Class Representative's fees pursuant to the Settlement Agreement. The amount of attorney's fees, costs, and Class Representative's fees shall be determined by the Court. The amounts sought for such fees and costs are as follows: attorney's fees (\$241,650.00), costs (\$15,425.00), and Class Representative's fees (\$10,000.00). The amount of the refund distributed to class members shall be reduced by the pro rata share of that class member's contribution toward the fees and costs awarded by the Court. Any remaining money in the common fund after payment of the fees, costs and, refunds will be disbursed to the City's general fund.

Court Hearing Concerning the Settlement: The Court will conduct a hearing on Thursday, November 13, 2014 at 1:00 p.m. at the Sumter County Courthouse Room 239, to determine whether the proposed settlement agreement is fair and reasonable. The courthouse is located at 215 East McCollum Ave, Bushnell, FL 33513. You may attend the hearing, but can only be heard at the hearing if you file written objection(s) in advance, pursuant to the below terms.

Objections to the Settlement: If you believe the Court should not approve the settlement, you may object. In order to be considered, your objections must be in writing, signed, contain the style of the case (as shown on the top of page one of this notice), and sent via first-class mail to: Clerk of the Sumter County Circuit Court, 215 East McCollum Ave, Bushnell, FL 33513. A copy must also be mailed to class counsel (Derek Schroth, 600 Jennings Ave., Eustis, FL 32726) who will forward a copy to the City's attorneys. Your objection(s) will not be considered by the Court unless received on or before Thursday, November 6, 2014 at 5:00 p.m.

Your written objection(s) should specify in detail the factual basis and/or legal grounds on which you base your objection(s). If you provide written objection(s), you may appear in person at the hearing and be heard before the Court on Thursday, November 13, 2014 at 1:00 p.m. as described above, to express your objection(s) concerning the settlement. An attorney may also appear at the hearing on your behalf. If you and/or your attorney intend to appear at the hearing and be heard on your objection(s), you must timely provide written objection(s).

Any class member who fails to file a timely written objection(s) may appear at the hearing, but may not be heard before the Court at the hearing to voice objection(s) relating to the proposed settlement.

Entry of Judgment: If the settlement is approved by the Court, the Court will enter a judgment approving the settlement. All class members will be bound by the judgment, which will bar class members from asserting any claims against the City for police user fees. All class members will be deemed to have released forever and discharged any claims relating to the City's police user fees paid by a class member, whether known or

unknown to the class member at the time of the Court's order approving the Settlement Agreement.

Further Information: The nature of this lawsuit and the proposed settlement are summarized in this Notice. More detailed information, including a copy of the settlement agreement, may be obtained from class counsel (Derek Schroth, 600 Jennings Ave. Eustis, FL 32726, 352-589-1414).

PLEASE DO NOT CONTACT THE JUDGE OR THE CLERK OF THE COURT WITH ANY QUESTION ABOUT THE SETTLEMENT.

If the settlement is approved, the City will (1) make a refund claim form available to each ascertainable class member to properly complete and submit to the City for consideration, and (2) after verification by the City, the City will provide a refund of the appropriate sum.

BY ORDER OF THE COURT
FIFTH JUDICIAL CIRCUIT IN AND FOR
SUMTER COUNTY, FLORIDA