

IN THE SUPERIOR COURT OF RICHMOND COUNTY
STATE OF GEORGIA

CLERK OF SUPERIOR, STATE
AND JUVENILE COURT
FILED FOR RECORD

IRENE CANADA, individually)
and as representative of a Class)
of all others similarly situated)

2011 FEB 14 PM 3:27

ELAINE C. JOHNSON, CLERK
RICHMOND COUNTY, GA.

Plaintiff,)

CIVIL ACTION FILE
NO. 2001-RCCV-966

v.)

LIBERTY LENDING SERVICES d/b/a)
LIBERTY SAVINGS BANK, F.S.B.,)

Defendant.)

NOTICE OF THE PENDENCY OF A CLASS ACTION

**THIS NOTICE RELATES TO A CLASS ACTION LAWSUIT
THAT MAY AFFECT YOU AND YOUR LEGAL RIGHTS**

PLEASE READ CAREFULLY

THE LAWSUIT

This lawsuit challenges the right of Liberty Lending Services d/b/a Liberty Savings Bank, F.S.B. (hereinafter *Liberty* or *Defendant*) to assess and collect charges that it labels as "inspection fees" and "attorney fees" from mortgage holders who have filed a Chapter VII or Chapter XII proceeding in bankruptcy court. The lawsuit asserts that Liberty is not entitled to assess or collect these fees because the mortgagor has not been given prior notice, because no court gave prior approval of the fees, because the mortgages and notes do not allow Liberty to assess and collect the fees and because the way in which Liberty has assessed and collected these fees is in violation of applicable laws.

Liberty denies any wrongdoing or liability. Specifically, Liberty asserts that all inspection fees and attorneys' fees charged to mortgage holders were pursuant to each mortgage holder's mortgage or note and in compliance with all applicable law.

CLASS MEMBERS

The Court has ruled that the lawsuit may proceed as a class action on behalf of:

All persons whose home loans were serviced by Defendant and:

- 1) who have filed a Chapter VII or Chapter XIII bankruptcy proceeding, and
- 2) who have, since May 1, 1999, been charged fees for inspections and/or attorney fees without having been given written prior notice before the assessment of each inspection fee and each attorney fee; and

3) the assessed fees were not approved by a bankruptcy court.

The Court has also certified a Georgia subclass of Plaintiffs to include:

All persons whose home loans were secured by residential property located in the State of Georgia, whose home loans were serviced by Defendant and:

- 1) who have filed a Chapter VII or Chapter XIII bankruptcy proceeding, and
- 2) who have, since May 1, 1999, been charged fees for inspections and/or attorney fees without having been given written prior notice before the assessment of each inspection fee and each attorney fee; and
- 3) the assessed fees were not approved by a bankruptcy court.

You are being sent this notice because records indicate that you may be a member of this class.

PARTICIPATION IN THE CLASS ACTION

You have a choice of whether or not to participate in this lawsuit. If you wish to participate in the case, it is not necessary for you to do anything at this time. You will be represented by the attorneys the Court has appointed to represent the class.

If you do not wish to participate in the case, you must submit a written request to be excluded to the attorneys for the class. Your request to be excluded must also include your name, address and telephone number, and must be mailed to the following address:

Liberty Lending Class Action
PO Box 907
Augusta, GA 30903-0907

Your written request to be excluded must be postmarked on or before **March 18, 2011**.

WHETHER TO PARTICIPATE OR NOT

If you remain in the class, then you will be bound by any judgment or settlement reached in the case. If you exclude yourself from the class, then you will not be bound by any judgment or settlement reached in the case.

Any member of the class who does not request exclusion may, if the member desires, enter an appearance in this case through counsel.

Detailed information on this case is available at www.libertylendingclassaction.net.

CLASS COUNSEL

The class is being represented in this case by:

John C. Bell, Jr.
Bell & Brigham
P.O. Box 1547
Augusta, GA 30903-1547
email: Class@bellbrigham.com
website: www.bellbrigham.com

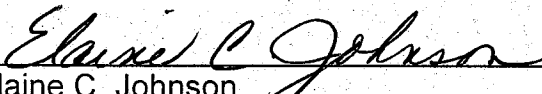
Thomas W. Tucker
John B. Long
Tucker, Everitt, Long, Brewton & Lanier
P.O. Box 2426
Augusta, GA 30903-2426

Angela McElroy-McGruder
Claeys McElroy-McGruder
512 Telfair Street
Augusta, GA 30901

DO NOT CALL THE CLERK IF YOU HAVE QUESTIONS

**PLEASE ADDRESS ALL QUESTIONS TO ONE OF THE
ATTORNEYS FOR THE CLASS LISTED ABOVE**

Dated: February 14, 2011



Elaine C. Johnson
Clerk, Superior Court
Augusta Judicial Circuit