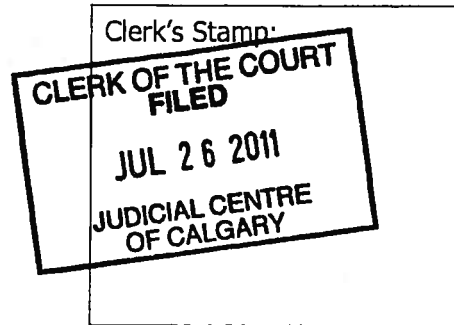


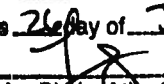
COURT FILE NUMBER: 0501 08152  
COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE OF CALGARY



PLAINTIFF(S): DOUGLAS ALEXANDER and WILLIAM BARRETT, as Representative Plaintiffs

DEFENDANT(S): HMS FINANCIAL INC., et al

DOCUMENT: **ORDER**

I hereby certify this to be a true copy of  
the original Order  
Dated this 26 day of July 2011  
  
for Clerk of the Court

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: McLENNAN ROSS LLP  
1600 Stock Exchange Tower  
300 - 5<sup>th</sup> Avenue SW  
Calgary, AB T2P 3C4  
Lawyer: Graham McLennan, Q.C. / Stuart Chambers  
Telephone: (780) 482-9200  
Fax: (780) 782-9101  
Email: gmclennan@mross.com / schambers@mross.com  
File No. 251207

DATE ON WHICH ORDER WAS PRONOUNCED: July 26, 2011

NAME OF JUDGE WHO MADE THIS ORDER: Associate Chief Justice John D. Rooke

**ORDER APPROVING NOTICE TO CLASS**

UPON THE APPLICATION of the Plaintiffs; IT IS HEREBY ORDERED THAT:

1. All non-resident individuals, who invested in the HMS Scheme and would otherwise be Class Members, who contact Class Counsel prior to July 30, 2011 shall be added to the class, notwithstanding the expiry of the original opt-in period;
2. The proposed Administration Plan, attached hereto as **Schedule "A"**, which includes initial distribution of currently recovered funds to Class Members and payment of fees to Class Counsel, is hereby approved pursuant to the provisions of the Class Proceedings Act S.A. 2003, c. C-16.5; and
3. Any future distribution of funds to Class Members may be done by Class Counsel, or its agents, on the same basis as the initial distribution, pursuant to the Administration Plan,

without further notice to Class Members or Defendants or further Court Order, including the payment of fees to Class Counsel.

4. Costs of this application shall be in the cause.

John D. Rooke  
ASSOCIATE CHIEF JUSTICE OF THE COURT OF  
QUEEN'S BENCH OF ALBERTA

## SCHEDULE "A"

COURT FILE NO. 0501 08152

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

Clerk's Stamp:

PLAINTIFFS: DOUGLAS ALEXANDER and WILLIAM BARRETT, as Representative Plaintiffs

DEFENDANTS: H M S FINANCIAL INC., et al

DOCUMENT ADMINISTRATION PLAN

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

McLENNAN ROSS LLP  
1600 Stock Exchange Tower  
300 - 5<sup>th</sup> Avenue SW  
Calgary, AB T2P 3C4

Lawyer: Graham McLennan, Q.C./  
Stuart Chambers  
Telephone: (780)482-9200  
Fax: (780)482-9100  
Email: gmclennan@mross.com/  
schambers@mross.com  
File No.: 251207

## SECTION 1. DEFINITIONS

- 1.1 Whenever capitalized terms are used in this Plan and in the Schedules annexed hereto, they will have the following meanings:
- a. **"Action"** means Action No. 0501 08152 in the Court of Queen's Bench of Alberta;
  - b. **"Administration Expenses"** means the costs and expenses related to the provision of notice, processing of claims, addressing of claims, addressing disputes, making Interim Distribution and Subsequent Distribution, and all other steps set forth in this Administration Plan;
  - c. **"Administration Plan"** means the within plan to administer the process Notice, Claims and Initial Distribution and Subsequent Distribution;
  - d. **"Approved Legal Expenses"** means the fees, disbursements, and applicable taxes of Class Counsel as approved by the Court;
  - e. **"Claim" (or plural "Claims")** means the total net investment losses of the Class Member, that is, the total amount of investments paid by the Class Member in relation to the HMS Scheme less any amounts received by the Class Member from HMS or affiliated or related persons or entities, or recovered by any other means, including but not limited to prior Court-supervised distributions in the Action;
  - f. **"Claim Date"** means the date on which Class Counsel sends the Claims Notice to the Class with respect to the Initial Distribution or causes the Newspaper Notice to be published;
  - g. **"Claim Form"** means the claim form, attached as Schedule C;
  - h. **"Claims Notice"** means the form of notice to Class Members, for whom Class Counsel has email addresses or mailing addresses, approved by the Court substantially in the form of Schedule B, and is in addition to the "Newspaper Notice";
  - i. **"Claims Period"** means a 60 day period beginning on the Claim Date;
  - j. **"Class" or "Class Members"** means all individuals, other than the Defendants, who have invested money with HMS, directly or indirectly, and suffered losses, who are Alberta residents or are non-residents of Alberta who have opted to participate in this Action, including any non-residents whose participation is allowed by Court order ;
  - k. **"Class Counsel"** means McLennan Ross LLP and Cuming & Gillespie;

- l. **“Court”** means the Alberta Court of Queen’s Bench;
- m. **“Currently Recovered Funds”** means the funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with Defendants, judgment enforcement and otherwise, and held in trust by Class Counsel for the benefit of the Class as of July 30, 2011, less Administration Expenses, Approved Legal Expenses and any amounts which Class Counsel considers reasonable to hold back from the Initial Distribution after consideration of any appeals that may be filed from the decision of the Court regarding any disputes filed by Class Members (to be heard by the Court on the Dispute Date);
- n. **“Dispute Date”** the date on which the Court will hear all disputes by Class Members in relation to the rejection of Claims;
- o. **“HMS Scheme”** means the Ponzi investment scheme perpetrated by the Defendants as defined in the Amended Amended Amended Statement of Claim;
- p. **“Identification Document”** means the Settlement Class Member’s driver’s licence, passport, or some other form of government-issued photo identification;
- q. **“Initial Distribution”** means the distribution of Currently Recovered Funds, pursuant to Court direction, to Class Members whose Claims are accepted;
- r. **“Net Benefit”** means the amount each Class Member will be entitled to receive in relation to their Claim, to be determined as follows:
  - i. if the total amount of all Class Members’ Claims accepted in accordance with the provisions of the Administration Plan is less than or equal to the Currently Recovered Funds, the entire amount of his/her Claim;
  - ii. if the total amount of all Class Members’ Claims accepted in accordance with the provisions of the Administration Plan is more than the Currently Recovered Funds, a pro rata share of the Currently Recovered Funds calculated as follows:
    - (1) divide the Currently Recovered Funds, by the total accepted Claims of all Class Members; and
    - (2) multiply each Class Members’ accepted Claim by the pro rata ratio set out in (1);
- s. **“Newspaper Notice”** means the form of notice approved by the Court substantially in the form of Schedule A to be published in the location and manner set out in Section 3;
- t. **“Payout Date”** means 20 days after the Dispute Date;

- u. **"RCMP Records"** means the records seized from the offices of HMS Financial Inc. and elsewhere by the Royal Canadian Mounted Police – Commercial Crime Division and provided to Class Counsel pursuant to Court Order;
- v. **"Representative Plaintiffs"** means Douglas Alexander and William Barrett;
- w. **"Rejection Letter"** means a letter in the form attached as Schedule D, sent to Class Members whose claims are not accepted;
- x. **"Subsequent Distribution"** means the distribution(s) of Subsequently Recovered Funds to Class Members whose Claims are accepted;
- y. **"Subsequently Recovered Funds"** means the funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with the Defendants, judgment enforcement and otherwise, which come into the possession of Class Counsel after July 30, 2011, less Administration Expenses and Approved Legal Expenses.

## **SECTION 2. NOTICE AND ADMINISTRATION**

- 2.1 Class Counsel shall cause the Newspaper Notice to be published as follows:
  - a. Twice in the Calgary Sun, and the Edmonton Sun newspapers, in a size not less than 1/6 of a page, in the legal notification sections of each of these newspapers or in a similar section.
- 2.2 Class Counsel, or Class Counsel's authorized agent, shall send the Claims Notice and Claim Form by email to the last known email address of each Class Member and by regular mail to the last known address of each Class Member for which no email address is available.
- 2.3 Class Counsel shall also give notice of this Initial Distribution and shall provide a copy of the Claim Form on its website at [www.cuminggillespie.com](http://www.cuminggillespie.com).
- 2.4 Class Counsel, or Class Counsel's authorized agent, shall input information from all completed and accepted Claim Forms received from Class Members within the Claims Period, calculate the amount of each claiming Class Member's entitlement, and issue payments to Class Members with accepted Claims after the Payout Date.

## **SECTION 3. CLAIMS PROCESS**

- 3.1 Class Members must deliver a completed Claim Form, including supporting documentation, to Class Counsel, or Class Counsel's authorized agent, within the Claims Period in order to make a claim for a share of the Initial Distribution and a share of any Subsequent Distribution. The Class Member must also include a copy of his or her Identification Document with the Claim Form.

- 3.2 Within 90 days of the Claims Date, being 30 days after the expiry of the Claims Period, Class Counsel will:
- a. complete its review of the Claim Forms and supporting documentation submitted; and
  - b. notify each Class Member whose Claim is not accepted by sending the Rejection Letter, including notification of the Dispute Date, to the Class Member by email or fax or, if an email address or fax number has not been provided, by mail at the address designated in the Claim Form.

#### **SECTION 4. CLASS MEMBERS' ENTITLEMENTS**

- 4.1 Each Class Member whose Claim Form is accepted will be entitled to payment of their Net Benefit from the Currently Recovered Funds and their further pro-rata share, if any, of Subsequently Recovered Funds.
- 4.2 Class Members whose Claim Form is not accepted will not be entitled to any payments from either the Currently Recovered Funds or the Subsequently Recovered Funds.
- 4.3 The Representative Plaintiffs will be entitled to an additional amount of \$5,000.00 each to compensate them for their extensive time commitment in relation to this Action. Such amount will be paid from the Currently Recovered Funds.

#### **SECTION 5. DISPUTE PROCESS**

- 5.1 As provided in Section 3.2 b, above, if Class Counsel rejects the Claim of a Class Member, Class Counsel will notify the Class Member by sending the Rejection Letter, advising the Class Member that they must attend before the Court on the Dispute Date at the Class Member's expense and without the assistance of Class Counsel.

#### **SECTION 6. PAYMENTS TO CLASS MEMBERS**

- 6.1 After the Payout Date, Class Counsel will pay to each Class Member, whose Claim was accepted or whose dispute was successful, the Class Members' Net Benefit by mail to the addresses designated by the Class Members in the Claim Forms.
- 6.2 Class Counsel shall be entitled to hold back from Initial Distribution any amounts which Class Counsel considers reasonable in consideration of the quantum and merit of any appeals filed by Class Members from the Court's disposition of any disputes filed by Class Members and considered by the Court on the Dispute Date.

## **SECTION 7. ADMINISTRATION EXPENSES**

- 7.1 Class Counsel estimates that Administration Expenses will not exceed \$250,000.00. Subject to further order of the Court, Class Counsel shall not pay Administration Expenses in excess of \$250,000.00.
- 7.2 Class Counsel is authorized to retain a third party qualified to administer all or part of the Administration Plan. The costs of any qualified third party so retained shall be part of the Administration Expenses. Should Class Counsel conclude that they are able to administer all or part of the Administration Plan for an amount less than the cost of retaining a third party, then Class Counsel are authorized to administer all or part of the Administration Plan and may charge therefor as an Administration Expense an amount which is no greater than written estimates received from third party providers for any such services. Payment to Class Counsel for any such administration services will be in addition to Approved Legal Expenses.
- 7.3 The Administration Expenses incurred in relation to the Initial Distribution shall be paid from the funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with Defendants, judgment enforcement and otherwise, and held in trust by Class Counsel to the benefit of the Class prior to July 30, 2011.
- 7.4 Administration Expenses in relation to any Subsequent Distribution shall be paid from the funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with the Defendants, judgment enforcement and otherwise, which come into the possession of Class Counsel after July 30, 2011.

## **SECTION 8. PAYMENT OF THE APPROVED LEGAL EXPENSES**

- 8.1 The Approved Legal Expenses shall be paid from the funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with Defendants, judgment enforcement and otherwise, and held in trust by Class Counsel to the benefit of the Class as at July 30, 2011.
- 8.2 The Approved Legal Expenses may be paid at any time after Court approval of the Administration Plan.
- 8.3 Approved Legal Expenses which are incurred after July 30, 2011, shall be paid from funds recovered on behalf of the Class in relation to the HMS Scheme, through settlement with the Defendants, judgment enforcement and otherwise, which come into the possession of Class Counsel after July 30, 2011, at the time of any Subsequent Distribution.

## **SECTION 9. SUBSEQUENT DISTRIBUTION**

- 9.1 When, in the opinion of Class Counsel, Subsequently Recovered Funds are sufficient to be distributed economically to Class Members, Class Counsel shall make Subsequent Distribution to the Class in the same manner as the Initial Distribution.



- 9.2 In the event that the Subsequently Recovered Funds do not reach an amount which can be distributed economically to Class Members, in the opinion of Class Counsel, Class Counsel will seek further advice and direction from the Court.
- 9.3 After each Subsequent Distribution, Class Counsel will report to the Court, by way of affidavit, the amount of the Subsequently Recovered Funds, and the Administration Expenses and Approved Legal Expenses paid to Class Counsel.
- 9.4 After the Action has been concluded, all Subsequently Recovered Funds have been distributed to the Class and all of Class Counsel's obligations under the Administration Plan have been carried out, Class Counsel shall file a final reporting Affidavit. This final reporting Affidavit shall be forwarded to Associate Chief Justice Rooke, or any other Justice as may be designated.

## SCHEDULE "A": NEWSPAPER NOTICE

### HMS FINANCIAL INC. and Related Entities - Investment Scheme

#### Notice of Class Action Claims Process

TO: All investors in the HMS Financial Inc. investment scheme

A lawsuit was commenced in the Court of Queen's Bench in Alberta on behalf of all people who invested in the investment scheme through HMS Financial Inc. or related entities ("HMS") and lost money. This lawsuit was certified as a Class Action on October 9, 2008.

HMS solicited funds from investors through "Customer Care Specialists" with promises of high rates of return and with investments said to be secured by bonds held by lawyers. This occurred in the 2003 to 2005 timeframe and in most cases principal investments were not returned to investors.

The Plaintiff Class is represented by the law firms of McLennan Ross LLP and Cuming & Gillespie ("Class Counsel") who have recovered approximately \$5 Million. The Court of Queen's Bench in Alberta has approved a claims process and an initial distribution to HMS investors.

Any further distributions of future recoveries will be based on accepted claims received for this initial distribution.

To make a claim to your share of recoveries in the Class Action, you must submit a Claim Form and supporting documentation on or before [date] by:

1. E-mail to: [mborysiuk@mross.com](mailto:mborysiuk@mross.com)  
OR
2. Fax to: 780-482-9100  
Attention: Michelle Borysiuk

Or if E-mail or Fax are not available to you:

3. Mail to: McLennan Ross LLP  
600, 12220 Stony Plain Road  
Edmonton, Alberta T5N 3Y4  
Attention: Michelle Borysiuk

The Claim Form is available online at [www.cuminggillespie.com](http://www.cuminggillespie.com).

More information on this Class Action, including this initial distribution and any subsequent distributions, can also be found at [www.cuminggillespie.com](http://www.cuminggillespie.com)

## SCHEDULE "B": CLAIMS NOTICE

**Douglas Alexander and William Barrett, as Representative Plaintiffs v.  
HMS Financial Inc. et al**  
*Alberta Court of Queen's Bench Action No. 0501 08152*

### NOTICE OF CLAIMS PROCESS

TO: HMS INVESTOR CLASS MEMBERS

Class Counsel have recovered approximately \$5 Million on behalf of the Class through various recoveries and settlements with defendants. Class Counsel's opinion is that the majority of recoverable funds have been gathered. The Representative Plaintiffs have instructed Class Counsel to make an Initial Distribution of recovered funds to the Class and the Court has approved this claims process including the distribution of recovered funds.

This means that all Class Members will now have to submit a formal claim for their investment loss to Class Counsel. Any further distributions of future recoveries will be based on the claims accepted in relation to this Initial Distribution.

#### How do I make a claim?

To make a claim, you must submit the attached Claim Form together with the supporting documents listed in the Claim Form on or before 4:00 pm MST on [date] by:

E-mail: mborysiuk@mross.com

Or

Fax: 780-482-9100

Attention: Michelle Borysiuk

Or if E-mail or Fax is not available to you:

Mail: McLennan Ross LLP  
600, 12220 Stony Plain Road  
Edmonton, Alberta T5N 3Y4  
Attention: Michelle Borysiuk

Additional copies of the Claim Form are also available online at [www.cuminggilesapie.com](http://www.cuminggilesapie.com).

If you fail to submit a Claim Form by [date], or if your Claim Form is incomplete or does not include the necessary supporting documents to prove your Claim and is not accepted by Class Counsel, you will not receive any portion of the funds which you invested and lost through the HMS Scheme.

**Under no circumstances will Claim Forms be accepted after [date].**

#### How much of my investment will I get back?

The amount of each Class Members' share of the distribution cannot be calculated until all claims have been received and the total amount of accepted claims is known.

Upon the close of the claims process, the payment to each Class Member, whose claim is accepted, will be calculated as follows:

$$\text{Total Recoveries} \times \text{Investment Loss} = \text{Payment}$$

**SCHEDULE "B": CLAIMS NOTICE**

Total Claims

# SCHEDULE "C": CLAIM FORM

Page 1 of 3

**Send To:**

E-mail: mborysiuk@mross.com

Or

Fax: 780-482-9100

Attention: Michelle Borysiuk

or if e-mail or fax is not available to you, by mail:

McLennan Ross LLP

600, 12220 Stony Plain Road

Edmonton, Alberta T5N 3Y4

## HMS Class Action Claim Form

To make a claim for your share of recoveries (present and future), you must fill in the information below and submit this form by fax or e-mail (preferable) or mail to the above contact information no later than 4:00pm MST on [date].

This means your completed Claim Form and all required supporting documentation must be **RECEIVED** by 4:00pm MST on [date].

Absolutely no Claim Forms will be accepted after 4:00pm MST on [date].

Please **CAREFULLY** review this form and ensure **all information is complete** and that you have provided **ALL** necessary supporting documents.

**NOTE: This Form must be signed before a Commissioner for Oaths or Notary Public if you live in the Province of Alberta. If you do not live in the Province of Alberta, this form must be signed before a Notary Public.**

Last Name of Person(s) making a claim: \_\_\_\_\_

First Name of Person(s) making a claim: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Identification Document No.: \_\_\_\_\_  
(MMM-DD-YY)

**You must also attach a copy of a government-issued photo identification document. If your name has changed since you made your investment, you must provide a copy of the document showing your name change (ex. marriage certificate).**

*Is this claim being made on behalf of a Corporation or Estate of a Deceased Person: Yes / No  
(circle one)*

If Yes, Name of Corporation or Estate: \_\_\_\_\_

*If this claim is being made on behalf of a Corporation, you must attach a document which demonstrates your authority to act on behalf of the Corporation (i.e. Notice of Directors).*

*If this claim is being made on behalf of an Estate, you must attach the Last Will and Testament and a document authorizing you to act on behalf of the Estate.*

**SCHEDULE "C": CLAIM FORM**  
Page 2 of 3

**SCHEDULE "C": CLAIM FORM**

Page 3 of 3

Contact Information:

Email Address: \_\_\_\_\_ @ \_\_\_\_\_ . \_\_\_\_\_

Full Mailing Address

Street: \_\_\_\_\_ Apt. No.: \_\_\_\_\_

City: \_\_\_\_\_ Province / State: \_\_\_\_\_

Postal / Zip Code: \_\_\_\_\_ Home Phone: ( \_\_\_\_\_ ) - \_\_\_\_\_

Fax Number ( \_\_\_\_\_ ) - \_\_\_\_\_ Work Phone: ( \_\_\_\_\_ ) - \_\_\_\_\_ Cell Phone: ( \_\_\_\_\_ ) - \_\_\_\_\_

Investment Details: *Please list each separate investment individually. If more than 4 investments were made, attach a separate sheet providing the below information for each investment.*

Amount of Principal \$ \_\_\_\_\_ Date Invested: \_\_\_\_\_  
Invested: \_\_\_\_\_ (MMM-DD-YY)

Name(s) Investment made in: \_\_\_\_\_

Amount of Principal \$ \_\_\_\_\_ Date Invested: \_\_\_\_\_  
Invested: \_\_\_\_\_ (MMM-DD-YY)

Name(s) Investment made in: \_\_\_\_\_

Amount of Principal \$ \_\_\_\_\_ Date Invested: \_\_\_\_\_  
Invested: \_\_\_\_\_ (MMM-DD-YY)

Name(s) Investment made in: \_\_\_\_\_

Amount of Principal \$ \_\_\_\_\_ Date Invested: \_\_\_\_\_  
Invested: \_\_\_\_\_ (MMM-DD-YY)

Name(s) Investment made in: \_\_\_\_\_

**Supporting Documentation Required :**

**You must provide COPIES of the Bank Draft/Cheque/Money Order used to make your investment or if the investment was made with cash, the receipt provided by your Customer Care Specialist ("CCS") for the investment.**

**You must also provide COPIES of the document evidencing each investment in the HMS Scheme. For example, the Joint Venture Agreement with HMS Financial or the CCS who solicited your investment, the Loan Agreement with the CCS who solicited your investment, or the Shareholder Loan Agreement and Promissory Note from the CCS who**

**SCHEDULE "C": CLAIM FORM**

Page 4 of 3

**solicited your investment.**



**SCHEDULE "C": CLAIM FORM**

Page 5 of 3

"Interest Earned"

Details:

*Did you receive any returns, whatsoever, on your investment? Yes / No (circle one)*

*If Yes, please advise how much money you received:* \_\_\_\_\_

"Commissions Earned" Details:

*Did you receive any commissions on other people's investment (including family/friends)? Yes / No (circle one)*

*If Yes, please advise how much money you received:* \_\_\_\_\_

Funds Recovered Details:

*Have you recovered any of your lost investment(s)? (ex. through a directly traceable claim to the San Diego Funds)? Yes / No (circle one)*

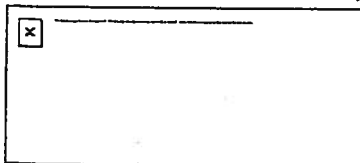
*If Yes, please advise how much money you recovered:* \_\_\_\_\_

I, \_\_\_\_\_ swear / affirm, that the information provided above is complete and true.

**SWORN/ AFFIRMED BEFORE ME** at the \_\_\_\_\_ )  
City / Town of \_\_\_\_\_,  
in the Province / State of \_\_\_\_\_ )  
the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2011 )

\_\_\_\_\_) \_\_\_\_\_ )  
A Commissioner for Oaths for the Province of )  
Alberta / Notary Public in and for the Province / )  
State of \_\_\_\_\_ )

**SCHEDULE "D": REJECTION LETTER**



Our File Reference: 251207

Graham McLennan, Q.C.  
Direct Line: (780) 482-9221  
e-mail: gmclennan@mross.com

Gabriele Wilkinson, Assistant  
Direct Line: (780) 482-9255

Fax: (780) 482-9100  
*PLEASE REPLY TO EDMONTON OFFICE*

July 13, 2011

NAME  
ADDRESS

Dear [Recipient Name]:

**Re: HMS FINANCIAL CLASS ACTION – CLAIMS RESPONSE  
NOTICE OF REJECTION**

**If Claim Rejected in its Entirety**

We are writing to advise that we have received and rejected your claim for a share of the funds recovered on behalf of the Plaintiff Class in the HMS Financial Class Action for the following reason :

- ( ) your investment does not appear to have been in the HMS Scheme.
- ( ) you are a Defendant in this Action and not entitled to make a claim.
- ( ) you are not a member of the Class in relation to this Action and are not entitled to make a claim.
- ( ) the information and documentation which you provided do not substantiate the claim made.

The Administration Plan and the Order approving the Administration Plan, which includes this distribution, are available for review at [www.cuminggillespie.com](http://www.cuminggillespie.com).

**If Claim is Partially Rejected**

We are writing to advise that we have received and partially rejected your claim for a share of the funds recovered on behalf of the Plaintiff Class in the HMS Financial Class Action in the amount of \$ \_\_\_\_\_ for the following reason:

- ( ) you have submitted a claim for more than the principal amount of your investment in the HMS Scheme.
- ( ) the amount of your claim did not take into account monies previously paid to you in relation to your investment, such as interest, commissions, and/or payment of directly traceable claims to the funds recovered in San Diego.
- ( ) the information and documentation which you provided do not substantiate the total amount of the claim which you made.

**In All Rejection Letters**

If you wish to dispute the rejection of your claim, you must

1. advise our office by email to [mborysiuk@mross.com](mailto:mborysiuk@mross.com) or fax to 780-482-9100, no later than 4:00 pm MST on [date];
2. file an affidavit with the Court, setting forth the facts as to why you dispute the rejection of your claim;
3. provide a copy of your filed affidavit to our office by e-mail to [mborysiuk@mross.com](mailto:mborysiuk@mross.com) or fax to 780-482-9100 no later than 4:00 pm MST on [date]; and
4. attend in person or by agent to present your objection to the Court on [Dispute Date] at [time] at the Calgary Courts Centre located at 601-5 Street in Calgary, Alberta.

These steps are taken at your own expense and without the assistance of Class Counsel.

Yours truly,

GRAHAM McLENNAN

RGMLKS

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