

**OPTING-OUT OF THE CLASS PROCEEDING
REGARDING BANYAN TREE FOUNDATION
LEVERAGED CHARITABLE DONATION PROGRAM**

Read this notice carefully as it may affect your legal rights.

PURPOSE OF THIS NOTICE

This notice is to 123 individuals who participated in the Banyan Tree Gift Program for the taxation years 2003 to 2007, and who purported to opt-out of the class proceeding through an opt-out form delivered to the Opt-Out Administrator, and who did not receive earlier notice that the opt-out form submitted was declared invalid.

The court expressed concern that the earlier opt-out form may not have reflected an informed decision regarding your rights.

Your opt-out form delivered to the Opt-Out Administrator was declared invalid and void by the court, which means that you **ARE** included in the Class, are entitled to receive settlement benefits and will be bound by the result of the class proceeding.

As part of settlement of the class proceeding, the court has ordered that you are to be given a further opportunity to opt-out of the class proceeding.

If you opt-out, you will not be entitled to any settlement benefits under the class proceeding.

If you wish to opt-out of the class proceeding, you must follow the procedure listed below.

If you wish to exclude yourself from the class proceeding ("opt-out"), you must deliver the attached written notice ("the Opt-Out Form") to the Opt-Out Administrator on or before **March 30, 2012**. The Opt-out Form must be properly completed with your name, your home address and your personal contact information, signed by you and signed by a witness.

Opt-out administrator contact information:

- (a) by mail to: Nicholas Mastroluisi, C.A.,
Pettinelli, Mastroluisi LLP
6th Floor, 1 James Street South
Hamilton, ON L8P 4R5
- (b) by fax to: 905-522-6574
- (c) by e-mail to: nickm@petmas.ca

ADDITIONAL INFORMATION

Questions for class counsel should be directed by telephone or in writing to:

SCARFONE HAWKINS LLP
Barristers & Solicitors
One James Street South, 14th Floor
P.O. Box 926, Depot #1
Hamilton, Ontario
L8N 3P9

ATTENTION: DAVID THOMPSON/ MATTHEW G. MOLOCI

Tel: 905.526.4394
Fax: 905.523.5878
E-mail: banyanclassaction@shlaw.ca

Full information regarding the settlement and copies of all forms can be found at www.classactionlaw.ca.

This notice has been approved by the Superior Court of Justice.
Questions about this notice should NOT be directed to the court.