

**CLASS PROCEEDING REGARDING  
BANYAN TREE FOUNDATION LEVERAGED CHARITABLE DONATION PROGRAM**

**OPT-OUT FORM**

I previously attempted to opt-out of the class proceeding through completion of an Opt-Out Form, which Opt-Out Form was declared invalid by court order dated September 17, 2010.

I understand that the class proceeding has been settled, however, I do not wish to participate in the settlement and instead wish to confirm my opt-out decision.

In order to opt-out of the Class, you must complete this Opt-Out Form and send it to Nicholas Mastroluisi, C.A., Pettinelli Mastroluisi LLP, 1 James Street South, 6<sup>th</sup> Floor, Hamilton, Ontario, L8P 4R5 by fax 905-522-6574 or by email [nickm@petmas.ca](mailto:nickm@petmas.ca) on or before **March 30, 2012.**

I confirm my decision to opt-out of the class proceeding.

NAME \_\_\_\_\_

RESIDENTIAL/ HOME ADDRESS \_\_\_\_\_  
\_\_\_\_\_

HOME TELEPHONE NUMBER \_\_\_\_\_

WORK TELEPHONE NUMBER \_\_\_\_\_

MOBILE TELEPHONE NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

I understand that if I opt-out through completion and submission of this form, I will not participate in this class proceeding and agree to be excluded from it.

I understand that I will not be entitled to any settlement benefits under the class proceeding.

I understand that if I intend to proceed with my own legal action, I must commence my lawsuit within a specified limitation period or my claim will be legally barred. I take full responsibility for obtaining legal advice about the limitation period applicable and for taking all necessary steps to protect my individual claim.

DATE: \_\_\_\_\_

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
OPT-OUT OR REPRESENTATIVE

**TO CONSTITUTE A VALID OPT-OUT, THIS FORM MUST BE MAILED, FAXED OR EMAILED TO NICHOLAS MASTROLUISI, C.A., PETTINELLI MASTROLUISI LLP, 1 JAMES STREET SOUTH, 6<sup>TH</sup> FLOOR, HAMILTON, ONTARIO, L8P 4R5, FAX 905-522-6574; EMAIL [NICKM@PETMAS.CA](mailto:NICKM@PETMAS.CA) ON OR BEFORE March 30, 2012.**