

CLASS PROCEEDING REGARDING
BANYAN TREE FOUNDATION LEVERAGED CHARITABLE DONATION PROGRAM

OPT-OUT FORM

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, 6th Floor, Hamilton, Ontario, L8P 4R5 by fax 905-522-6574 or by email nickm@petmas.ca on or before **OCTOBER 1, 2010.**

NAME _____

ADDRESS _____

TELEPHONE _____

Area code / phone no. (Ext. if applicable)

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, not being bound by the result whether favourable or unfavourable.

I understand that I will not be entitled to any 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, 6TH FLOOR, HAMILTON, ONTARIO, L8P 4R5, FAX 905-522-6574; EMAIL NICKM@PETMAS.CA