

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The case is *Harold Kahn and Deborah Kahn v. Select Portfolio Servicing, Inc.*
Case No. 7:17-cv-07540-NSR-PED

If you have or had an accelerated mortgage loan serviced by Select Portfolio Servicing, Inc. (“SPS”) and you received a monthly mortgage statement from SPS between October 3, 2016 and October 3, 2017, you could receive a payment from a class action settlement.

A Federal court authorized this notice.
This is not a solicitation from a lawyer.

- A proposed Settlement has been reached in a class action lawsuit concerning monthly mortgage statements for accelerated loans that were sent between October 3, 2016 and October 3, 2017.
- You are receiving this Notice because SPS’ records indicate that SPS may have sent you a monthly account statement for an accelerated loan that stated that a late fee would be assessed if payment was not received by a date certain.
- Your legal rights will be affected whether you act or do not act. Therefore you should read this Notice carefully.

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY JUNE 24, 2019 AND RECEIVE A SHARE OF THE CLASS SETTLEMENT FUND	If you wish to receive a share of the Class Settlement Fund, you and any co-borrowers on the account must complete and return the claim form on or before June 24, 2019. If you submit a claim form, you will give up your rights to be part of any other lawsuit or legal proceeding against SPS or Released Parties about the claims made in this case and released by the Settlement.
DO NOTHING	By doing nothing, you will remain in the Settlement Class but you will not be entitled to receive a cash payment from the Class Settlement Fund. If you remain in the Settlement Class, you will give up your rights to be part of any other lawsuit or legal proceeding against SPS or Released Parties about the claims made in this case and released by the Settlement.
EXCLUDE YOURSELF BY JUNE 24, 2019	If you exclude yourself from the Settlement Class, you will not receive a cash payment from the Class Settlement Fund, but you will retain all of your legal claims against SPS and the Released Parties. If you exclude yourself from the Settlement Class, you will not be able to object to the Settlement.
OBJECT BY JUNE 24, 2019	Write to the Court about why you don’t like the settlement. You can only object to the Settlement if you have not excluded yourself from the Settlement Class. You may also appear at the Fairness Hearing on July 11, 2019.

These rights and options and the deadlines to exercise them are explained below.

1. Why did I get this notice?

You received this notice because you have been identified as a person who was sent a monthly account statement for an accelerated loan that stated that a late fee would be assessed if payment was not received by a date certain. You received this notice because you have been identified by defendant as a member of the class.

2. What is this lawsuit about?

Plaintiffs, Harold Kahn and Deborah Kahn (“Plaintiffs”), filed a class action lawsuit and alleged that defendant Select Portfolio

Servicing, Inc. (“SPS” or “Defendant”) sent you a monthly account statement for an accelerated loan that stated that a late fee would be assessed if payment was not received by a date certain. Plaintiffs allege that this statement violated the Fair Debt Collection Practices Act (“FDCPA” or “the Law”). Defendant denies these and all other allegations in the lawsuit, and the Court has not made a finding of liability against Defendant.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Harold Kahn and Deborah Kahn),

sue on behalf of a group (or a “Class”) of people who have similar claims.

4. Why is there a settlement?

The Class Representatives and the Defendant do not agree about the claims made in this lawsuit. The lawsuit has not gone to trial and the court has not decided in favor of either the Class Representatives or the Defendant. Instead, the Class Representatives and the Defendant have agreed to settle the lawsuit. The Class Representatives and their lawyers believe the Settlement is in the best interest of all Class Members because of the value of the Settlement, risks associated with continued litigation, the prolonged nature of litigation, and the defenses raised by the Defendant. The Defendant denies that it did anything wrong and believes that its defenses to the claims would succeed, but Defendant nevertheless has agreed to settle this lawsuit to avoid the burden, expense, risk, and uncertainty of continuing the litigation.

5. How do I know if I am a part of the settlement?

You received this Notice because Defendant’s records indicate that you are a Class Member. The Class is defined as (a) all individuals with property addresses in New York, (b) to whom SPS sent a monthly statement, (c) with respect to a loan that was over 30 days behind at the time SPS began servicing it, according to the records of SPS, (d) and had been accelerated at the time the monthly statements had been sent, (e) where the monthly statements referred to late charges for late payments, and (f) the monthly statements were sent at any time during a period beginning October 3, 2016 and ending October 3, 2017. It is estimated that the class consists of 5,082 accounts.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

The settlement calls for establishment of a Class Settlement Fund of at least \$115,000 to be divided equally among class members who submit a valid and timely claim form. Based on Class Counsel’s experience, Class Counsel expects 10%-20% of the class members will submit claim forms resulting in an estimated recovery of between \$100 and \$200 per account.

7. When will I receive these benefits?

If you submit a valid claim form and do not opt-out, you will receive these benefits approximately sixty (60) days after the settlement has been given final approval by the Court, assuming that no party seeks an appeal of the settlement.

8. I want to be a part of the settlement and receive these benefits. What do I do?

To receive a share of the Class Settlement Fund, you and all co-borrowers on the account must submit a claim form by June 24, 2019. If the claim form does not contain all borrowers’ signatures, there must be a valid explanation for the unavailability of co-borrowers to sign.

9. What am I giving up if I stay in the Class?

By staying in the Class, all of the Court’s orders will apply to you, and you give the Defendant a “release.” Anyone who does not specifically exclude themselves from the Class will give Defendant a release. A release means you can’t sue or be part of any other lawsuit against Defendant or Released Parties about the claims or issues in this lawsuit. A copy of the Settlement Agreement containing the Release can be found at www.eclgnnotice.com.

10. How much will the Class Representative receive?

The settlement provides for the payment to each plaintiff of \$1,000.00 for their statutory damages and \$4,000.00 each for their service as class representatives.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don’t want to receive the benefits of the settlement, but you want to keep your legal claims against the Defendant, then you must take steps to exclude yourself from the Settlement. This is also called opting-out.

11. How do I exclude myself from the settlement?

To exclude yourself from the settlement, you must submit a written Request for Exclusion or to Opt Out. If the Request for Exclusion or Opt-Out does not contain all borrowers’ signatures, there must be a valid explanation for the unavailability of co-borrowers to sign. If you exclude yourself from the Settlement, you will not have a right to object to the Settlement. For your Request for Exclusion or to Opt Out to be effective, you must submit a letter stating words to the effect of: “I WANT TO BE EXCLUDED FROM THE SETTLEMENT CLASS IN KAHN V. SELECT PORTFOLIO SERVICING, INC.” Also, be sure to include your name, address, telephone number, and your authorized signature.

You must mail your exclusion request so that it is postmarked **no later than June 24, 2019**, and sent to the following addresses:

EDELMAN, COMBS, LATTURNER AND
GOODWIN, LLC (#34234)

Attn: Tiffany N. Hardy
20 South Clark Street, Suite 1500
Chicago, IL 60603

GOODWIN PROCTER, LLP
Attn: David L. Permut
901 New York Avenue, NW
Washington, D.C., 20001

Be sure to include the name and number of the case: *Harold Kahn et al v. Select Portfolio Servicing, Inc., et al.*, 17-cv-07540-NSR-PED.

12. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement of this case. If you timely and validly request exclusion from this Class Settlement, you will not be bound by the judgment entered in this action and you will not be precluded from otherwise prosecuting your own individual claim, if timely, against Defendant based on the FDCPA violations alleged in this case.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes. The Court has named the law firms of Edelman, Combs, Latturner & Goodwin, LLC and Law Offices of Lawrence Katz as Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense. If you choose to hire your own lawyer, he or she must file an appearance by June 24, 2019.

14. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Latturner & Goodwin, LLC and the Law Office of Lawrence Katz will ask the Court for attorney’s fees and expenses of no more than \$99,750.00 to be paid from the Total Settlement Amount paid by Defendant. The amount of the attorney’s fees to be paid to Class Counsel is subject to Court Approval. Class Counsel’s attorney’s fee will not reduce the estimated share of the settlement to be paid to Class Members who submit valid claim forms.

CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT

15. Is this a fair settlement?

Class Counsel believes that this settlement is fair. The claim asserted on behalf of the Class against the Defendant is under the Fair Debt Collection Practices Act ("FDCPA"). The FDCPA is a federal statute which allows for both individual and class actions.

In an individual action, the person bringing the suit may recover (i) any actual damages suffered, if proven, and (ii) statutory damages of between \$0 and \$1,000. In a class action, the maximum possible recovery is (i) any actual damages suffered by the Class members and (ii) the lesser of 1% of the defendant's net worth or \$500,000. The Court, in its discretion, may award anything from \$0 up to the maximum amount to a prevailing party. In either an individual or a class action, the person bringing the suit can also recover attorney's fees and the expenses of prosecuting the suit, if it is successful.

Given the risks and costs associated with further litigation and in light of the violations alleged, Class Counsel believes this is a fair settlement.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do or do not agree with the settlement or some part of it.

16. How do I tell the Court that I do or do not like the Settlement?

If you are a Class Member and you have not excluded yourself from the settlement, you can comment on the settlement. In order to comment on the settlement or any part of the settlement, you may send a letter (or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: *Harold Kahn, et al v. Select Portfolio Servicing, Inc., et al.*, 17-cv-07540-NSR-PED, and your name, address, telephone number and your signature. If you submit a written objection, you may appear at the fairness hearing (explained below in answer to Question no. 17).

You must mail your written objection so that it is postmarked no later than June 24, 2019 to:

U.S. District Court for the
Southern District of New York
ATTN: Clerk of Court
300 Quarropas Street,
White Plains, NY 10601

THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You do not have to attend the Fairness Hearing, but you may attend if you want to. If you want to attend the Fairness Hearing, by June 24, 2019, you must file a notice of appearance in the lawsuit and mail the notice of appearance to counsel for both Plaintiffs and Defendant at the addresses in Paragraph 11 above.

17. Where and when is the fairness hearing?

The Court will hold a fairness hearing on July 11, 2019 at 10:30 a.m. in the courtroom of Judge Nelson S. Roman, in the Federal Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable and adequate and in the best interests of the Class and to determine the appropriate amount of compensation for the Class Representatives and Class Counsel. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

The hearing may be postponed to a later date without notice.

YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.

GETTING MORE INFORMATION

18. How do I get more information?

You can call the firm representing the Class, Edelman, Combs, Lattuner & Goodwin, LLC at (312) 739-4200, if you have any questions. Before doing so, please read this full notice carefully. You can also send an email to info@edcombs.com or obtain information through its website at www.edcombs.com.

19. What if I have a new address?

If this notice was sent to you at your current address, you do not have to do anything more to receive further notices concerning this case. However, if this notice was forwarded to you, or if it was otherwise sent to you at an address that is not current, you should immediately send a letter to:

KAHN v. SPS
CLASS-SETTLEMENT.COM
20 MAX AVENUE
HICKSVILLE, NEW YORK 11802-9009

Kahn v. SPS
Class-Settlement.com
PO Box 9009
Hicksville, NY 11802-9009

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NAME
COMPANY
STREET ADDRESS
CITY, ST 12345-1234