

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 03-29595 CA-22

CHAITRAM DOWLATRAM and
JOYCE DOWLATRAM, his wife; and
DAVID TOLEDO and BRANDEE
TOLEDO, his wife,

Plaintiffs,

vs.

SHOMA DEVELOPMENT CORP.,
a Florida corporation, MASOUD SHOJAEI,
BONDED BUILDERS SERVICE CORP.,
doing business as BONDED BUILDERS HOME
WARRANTY ASSOC., a Florida corporation,
PASCUAL PEREZ & ASSOCIATES, INC.,
a Florida corporation, EDGARDO PEREZ,
an individual, NODALCO ENGINEERING, INC.
and CARLOS NODAL, P.E., an individual,

Defendants.

OFFICIAL CLAIM FORM AND RELEASE
Option II – Monetary Compensation

This Official Claim Form has been provided to you in connection with the settlement of this class action litigation. By properly filling out this Official Claim Form and certifying your eligibility as a Class Member to participate in this settlement, you may be entitled to monetary compensation, subject to court approval of your claim. For more information, visit www.nauticlassactionsettlement.com, contact Class Counsel (see information below) and/or review the enclosed materials if you received this Official Claim Form via mail.

Failure to timely submit this fully-completed Official Claim Form, together with ALL required supporting documentation, will result in the denial of your claim. Your fully-completed Official Claim Form(s) and all supporting documentation must be postmarked by January 11, 2007. No extensions of this deadline are or will be permitted.

PART I. ELIGIBILITY

If you and any member of your Claimant Group currently own and/or have an ownership interest in one or more residential house(s) known as the "Margarita" (C5/50), the "Montserrat" (E/50), or the "Madagascar" (C4/50) models that were developed or built by Shoma and are located in the "Nautica" residential subdivision in Miramar, Broward County, Florida, during the time period of May 24, 1998 through October 3, 2006, you may be eligible to receive monetary compensation. To preserve eligibility for the Monetary Compensation, this Official Claim Form and Release must be properly completed, signed in the presence of a Notary Public, and mailed to the Claims Administrator, postmarked no later than January 11, 2007.

PART II. HOW TO PREPARE YOUR CLAIM

You must complete a separate claim form for each Nautica house for which you believe you are entitled to Monetary Compensation under the Settlement Agreement. If you are making more than one claim, make a copy of this Official Claim Form and submit a fully completed form for each house. If you think that you meet the criteria set forth above and wish to apply for the Monetary Compensation, you must do the following for each separate claim:

1. Read this Entire Official Claim Form and Release.
2. Review the Court Notice which explains in more detail who is entitled to a payment. If you do not have the Court Notice, or any have questions, visit www.nauticaactionsettlement.com or contact Class Counsel.
3. Complete the Official Claim form by filling in **all** of the information required herein.
4. Attach to your Official Claim Form a certified copy of:
 - a. the recorded deed(s) for the Nautica property evidencing your ownership interest, and/or
 - b. a Property Tax Certificate for the Nautica property evidencing your ownership interest.
5. Sign the Official Claim Form and Release in the presence of a Notary Public who can then notarize your signature, and return it by mail along with **all** of the documents required above, postmarked no later than January 11, 2007, to the Claims Administrator, addressed as follows:

Nautica Claims Administrator
c/o Hamlin & Burton Liability Management, Inc.
111 West Magnolia Avenue, Ste. 1000
Longwood, Florida 32750

If your properly executed Official Claim Form and Release, and supporting documentation, are postmarked later than January 11, 2007, you will be barred from any recovery. Any and all information you submit on your Official Claim Form and Release is subject to verification by the Court. Your claim will not be considered, unless you provide together with your Official Claim Form and Release a certified copy of the recorded deed(s) for your property and/or a certified copy of the Property Tax Certificate for that property. Completing this form does not automatically entitle you to recover under the Settlement Agreement. Your claim must meet all of the criteria set forth in the Settlement Agreement, and your claim is subject to all of the terms, requirements, circumstances, conditions, exclusions, and restrictions of the Settlement Agreement. You may not be entitled to obtain the monetary compensation under the Settlement Agreement and/or this Official Claim Form and Release. Please refer to your Notice and the Settlement Agreement for more details regarding the Settlement Agreement.

PART III. HOW TO OBTAIN DEED AND/OR PROPERTY TAX CERTIFICATE

As mentioned above, in order to recover you must timely provide a certified copy of the deed(s) for this property and/or A Property Tax Certificate. This means you must submit (along with this Official Claims Form and Release) a copy of the deed(s) for this property and/or Property Tax Certificate for the property.

You should first check your own records to obtain a copy of the deed(s) for this property and/or Property Tax Certificate for the property. If you do not have it/them or cannot locate it/them, you should contact the Broward County Property Appraiser's Office, at www.bcpa.net or 115 South Andrews Avenue, Room 111, Ft. Lauderdale, Florida (954) 357-6904. If such efforts are unsuccessful, you may request that Class Counsel assist you in obtaining a certified copy of your deed(s) for this property and/or Property Tax Certificate for the property. Class Counsel's contact information is:

Michael Kashtan, Esquire
**DANIELS KASHTAN DOWNS
ROBERTSON & MAGATHAN**
3300 Ponce De Leon Boulevard
Coral Gables, Florida 33134
Office: (305) 448-7988

Joseph Matthews, Esquire
COLSON HICKS EIDSON
255 Aragon Avenue – 2nd Floor
Coral Gables, Florida 33134
Office: (305) 476-7400

PART IV. CLAIM INFORMATION (Please Print or Type Legibly)

Please provide **all** of the information requested below. This information is required by the Court in order to permit the Claims Administrator to identify, verify, and process your claim for recovery.

PART A: IDENTIFICATION OF INDIVIDUAL CLAIMANT			
<i>First Name</i>	<i>Middle Name/Initial</i>	<i>Last Name</i>	<i>Social Security Number</i>
<i>Other Names by Which You Also Are or Were Formerly Known (e.g., Maiden Name)</i>			<i>Date of Birth</i>
<i>Current Mailing Address (Street or P.O. Box)</i>			<i>E-mail Address</i>
<i>City</i>	<i>State</i>	<i>ZIP Code</i>	<i>Telephone Number (with Area Code)</i>

PART B: RESIDENCY/CLASS MEMBERSHIP

- 1. To show why you are entitled to the Monetary Compensation, check one box below:**

I am the current record owner of a "Margarita", "Montserrat", or "Madagascar" model house in Shoma's Nautica Residential Development.

I purchased the foregoing "Margarita", "Montserrat", or "Madagascar" model house in Shoma's Nautica Residential Development between May 24, 1998 and the date upon which I submit this Official Claim Form seeking Class Settlement benefits.

- 2. Identify the specific Nautica model(s) that you own and the period(s) during which you have owned the house(s) between May 28, 1998 and the date upon which I submit this Official Claim Form seeking Class Settlement benefits.**

Model _____ **from** _____, **through** _____, **200**__

Street Address _____

Legal Description _____

- 3. As proof of my ownership interest in this Nautica house and membership in the Settlement Class, I am attaching to this Official Claim Form and Release one or more of the following REQUIRED documents:**

A certified copy or copies of the deed(s) for this property.

A Certified copy of Property Tax Certificate.

PART V. SUBMISSION TO JURISDICTION OF COURT AND RELEASE

By submitting this Official Claim Form and Release, I do declare, certify and agree, on behalf of the person or entity for which I am submitting this application that:

1. I hereby submit to the jurisdiction of the 11th Judicial Circuit of Florida, in and for Miami-Dade County, and I agree to be bound by the terms of the Settlement Agreement referred to in the Court Notice.
2. I on behalf of myself, and my heirs, successors, and assigns (collectively "Releasers"), hereby release, acquit, and forever discharge the Released Parties¹ and their respective parent-corporations, subsidiaries, predecessors, successors and/or assigns, attorneys, accountants, representatives, past, present and former administrators, affiliates and

¹ "As defined in the Amended Class Settlement Agreement that has been signed by the Parties and approved by the Court."

officers, inside and outside directors, shareholders, employees, insurers and/or reinsurance carriers, (collectively "Releasees") from any and all claims asserted by Plaintiffs against the Releasees in the Nautica Class Actions regarding or related to the structural and/or construction defects allegedly existing in the Nautica Houses during the Class Period, including, without limitation, any and all claims, suits, demands, rights, liabilities, damages, losses, attorneys' fees, interest, expenses, costs and causes of action, accrued or unaccrued, of personal, corporal, material, economic, property, and/or bodily injury or damage which now exist or heretofore existed, arising from or relating to the alleged construction and design defects in the above-described Nautica Houses, which Plaintiffs and Class Members have already discovered or should have discovered with the exercise of due diligence, including but not limited to all claims for repairs, remedial work, loss in value or any other potential damages arising out of or involving the Class Members' property ("Claims Against Released Parties").

3. I understand that by signing this Official Claim Form and Release, I do not waive any objection or motion to intervene that I have filed with the Court regarding the Settlement Agreement, but that should the Court overrule the objection and give final approval to the Settlement Agreement, this release will become effective when the Court's final judgment becomes Final.
4. I hereby certify, swear and affirm, under penalty of perjury, that the information I have provided in this Official Claim Form and supporting documentation is true and correct to the best of my knowledge. **I further certify, swear, and affirm, under penalty of perjury, that I am entitled to receive the Monetary Compensation as of the date I have signed this Official Claim Form and Release.**
5. Because the receipt of Monetary Compensation in lieu of a Qualified Scope of Work may materially affect the value of my above-described Nautica House, I hereby agree to disclose the allegations in the Nautica Class Actions, and my acceptance of the Monetary Compensation, to anyone who seeks to purchase my above-described Nautica House that is the subject of the Class Settlement. Such disclosure will be made by me to any and all prospective purchasers in accordance with *Johnson v. Davis*, 480 So. 2d 625, 629 (Fla. 1985) ("[W]here the seller of a home knows of facts materially affecting the value of the property which are not readily observable and are not known to the buyer, the seller is under a duty to disclose them to the buyer. I understand that this duty is equally applicable to all forms of real property, new and used."); *see also Syvrud v. Today Real Estate, Inc.*, 858 So. 2d 1125, 1130 (Fla. 2d DCA 2003)(holding that even the inclusion of an "as is" clause in a contract for the sale of residential real property does not waive the duty imposed upon a seller to disclose to buyer facts materially affecting the value of the property which are not readily observable and are not known to the buyer.) I further acknowledge and agree that a copy of this Official Claim Form and Release shall become a matter of public record via the Clerk of Court for Broward County, Florida.
6. I on my own behalf and on behalf of my heirs, distributees, guardians, legal representatives and assigns hereby release and forever extinguish the liability of the Released Parties, and any and all persons, corporations and/or entities who are or may be

liable for the above-defined Claims Against Released Parties, so as to preserve Shoma's rights to contribution under Section 768.31, Florida Statutes, and/or right to indemnity against any contractor(s), design professional(s), third party(ies), other than the Releasees, or other entity(ies) who may be jointly or severally liable for the injury(ies) and/or damages to me or my heirs, distributees, guardians, legal representatives and assigns, arising out of or related to the above-described Claims Against Released Parties.

***Note:** All owners of the Nautica House for which you seek the Monetary Compensation must sign this form.

PART C: SIGNATURE	
ALL CLASS MEMBERS CLAIMING BENEFITS MUST COMPLETE AND SIGN BELOW	
I declare under penalty of perjury that the information on this Claim Form is true, correct, and complete to the best of my knowledge, information, and belief.	
_____	_____
<i>Date Signed</i>	<i>Signature (Class Member or Representative*)</i>
*If you are NOT the Class Member identified in Part A, above, but are a representative filing this Claim Form on behalf of that Class Member, you MUST attach an original and properly executed Power of Attorney specifying that you have the legal authority to act as the Class Member's representative for purposes of claiming benefits under the Settlement Agreement.	

Signature of Claimant Additional Claimant(s): _____

Additional Claimant(s) Additional Claimant(s): _____

ACKNOWLEDGMENT

STATE OF FLORIDA)
 :SS
COUNTY OF)

BEFORE ME, the undersigned authority, personally appeared _____, RELEASORS, who are personally known to me [] or has produced _____ as identification, and who after first being duly sworn, deposed and stated that she is a party to this General Release and above to be true and correct to the best of her knowledge and belief, and that she has executed same of her own free act and deed for the purposes therein expressed.

SWORN TO AND SUBSCRIBED before me in the State and County aforesaid this _____ day of _____, 200_.

NOTARY PUBLIC - State of
My Commission expires: