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COURT OF COMMON PLEAS
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COURT OF COMMON PLEAS
CIVIL DIVISION
MONTGOMERY COUNTY, OHIO

DAN F. ...
CLERK OF COURTS
MONTGOMERY COUNTY, OHIO
DARRELL MOORE

: Case No. 01-4475

Plaintiff, : (Judge Wagner)

v. :

CM PROPERTIES, :

Defendant. :

ORDER APPROVING CLASS SETTLEMENT

Having reviewed the Motion for Final Approval and determined that the classwide settlement described therein is fair, adequate and reasonable, it is hereby ORDERED:

1. The settlement is finally approved, and each Qualified Settlement Class Member, as defined in Paragraph 5 of the Settlement Agreement, is to be paid 100 % of the amount due him or her by the statute, R.C. 5321.16, plus interest on that amount at 5 % from a date 30 days after move out to and including December 31, 2004. The total amount to be paid under this provision of the order is \$11,691.46.

2. Class Plaintiffs and members of the Settlement Class who have not timely excluded themselves from the Settlement Class are deemed to have covenanted and agreed that he or she will forever refrain from instituting, maintaining, or proceeding against CM Properties, its assigns, officers, agents, shareholders, employees, investors, members, successors-in-interest, and predecessors-in-interest, on any claim set forth in the Complaint in this case, and that he or she releases, acquits and forever discharges CM Properties, its assigns, officers, shareholders, employees, investors, members, successors-

in-interest, and predecessors-in-interest, from all claims and demands of whatever nature, actions and causes of action, damages, punitive damages, costs, loss of services, attorney fees, interest, statutory damages, costs of litigation, and money benefits or compensation of any kind on account of or in any way arising from the claims set forth in the Complaint in this case, and in existence at the date of the signing of this Agreement by the last party to sign.

3. The costs of class administration of \$6,707.27 are hereby approved. Class Counsel shall pay these costs out of the Expense Fund and return the rest of that fund, \$3,292.73, to Defendant. This may be done upon the signing of this Order.

4. Class Counsel shall pay \$2,500 from the Settlement Fund to Plaintiff as an incentive award for coming forward on behalf of the class. Class Counsel shall pay \$96,500 to themselves from the same fund for attorney fees and litigation costs.

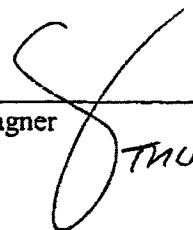
5. The remainder of the Settlement Fund, \$249,308.54, shall be distributed as follows: 90 %, or \$224,377.69, shall be returned to Defendant and 10 %, or \$24,930.85, shall be divided equally between the Legal Aid Society of Greater Cincinnati, 215 E. Ninth St., Suite 200, Cincinnati, OH, 45202 and the Ohio State Legal Services Association, 555 Buttes Avenue, Columbus, OH, 43215.

6. No distribution of money from the Settlement Fund shall be made until the passage of 31 days from the filing of this Order.

IT IS SO ORDERED.

Dated: December 14, 2004

Judge Wagner

A handwritten signature in black ink, appearing to be 'J. Wagner', written over a horizontal line. The signature is stylized and includes the letters 'TND' at the bottom right.