

**CLAIM FORM - B**  
**SEWAGE DISPOSAL SYSTEM EVENT OCCURRING ON OR ABOUT**  
**APRIL 30-May 1, 2019**

**GENERAL INSTRUCTIONS**

1. **THIS CLAIM FORM-B MUST BE POSTMARKED BY APRIL 11, 2023 AND MUST BE FULLY COMPLETED, BE SIGNED UNDER OATH, AND MEET ALL REQUIREMENTS OF THE SETTLEMENT AGREEMENT.**

2. You must complete and return this Claim Form-B along with the required supporting documentation to:

**Dubin Law, PLLC, 2723 S State St Suite 150, Ann Arbor, MI 48104**

3. This Claim Form-B is directed to Subclass B Class Members that are listed in Exhibit 3 to the Settlement Agreement.

4. This Claim Form-B is only intended for Subclass B Class Members to seek compensation from the Settlement Fund for their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense arising from their April 30-May 1, 2019 Sewage Disposal System Event claim at the Claimed Address.

5. It is important that you completely read the Long Form Notice that accompanies Claim Form-B. The Long Form Notice contains the definitions of many of the defined terms used in this Claim Form-B. By signing and submitting this Claim Form-B, you will be certifying that you have read the Long Form Notice, including the terms of the Releases described therein and provided for herein.

**You must submit Claim Form-B to be eligible to obtain payment in the Settlement for your April 30-May 1, 2019 Sewage Disposal System Event claim.**

**If you do not submit Claim Form-B, you will not get paid.**

6. IF YOU ARE NOT A CLASS MEMBER OR IF YOU, OR SOMEONE ACTING ON YOUR BEHALF, FILED A REQUEST FOR EXCLUSION FROM THE CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER. THUS, IF YOU FILE A VALID REQUEST FOR EXCLUSION IN A TIMELY MANNER, ANY CLAIM FORM THAT YOU SUBMIT OR THAT MAY BE SUBMITTED ON YOUR BEHALF WILL NOT BE ACCEPTED.

7. You may only seek compensation if you are a member of the Class and if you complete and return this form as specified below. If you fail to file a timely, and otherwise non-deficient Claim Form-B, your Claim Form may be rejected and you may be precluded from receiving any distribution from the Settlement Fund.

8. Submission of this Claim Form-B does not guarantee that you will share in the Settlement Fund. The distribution of the Settlement Fund is governed by the Settlement Agreement, if approved by the Court, or such other allocation plan as the Court approves.

9. You are required to submit genuine and sufficient documentation in response to the requests contained in this Claim Form-B. Please keep a copy of all documents that you send to Class Counsel. Any documents you submit with your Claim Form-B cannot be returned.

10. Type or print legibly in black ink.

11. The following definitions related to the Settlement Agreement are relevant to completing Claim Form-B:

- a. "**Fair Market Value**" shall mean the price that a seller is willing to accept and a buyer is willing to pay on the open market and in an arms-length transaction for an item of Personal Property in the age and condition that it existed as of April 30-May 1, 2019. Fair Market Value *shall not* be calculated by any other methodology, including but

not limited to, the actual purchase price for the Personal Property, the cost to replace the Personal Property or the lost value of the Personal Property.

- b. **"Financial Reimbursement"** shall mean the payment received by or paid on behalf of the Subclass B Class Member from or by a third-party (such as an insurance company or the Federal Emergency Management Agency) as compensation for Personal Property Damage, Real Property Damage and/or Out of Pocket Expense caused by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address.
- c. **"Out of Pocket Expense"** shall mean the actual cost expended in repairing, reconstructing, cleaning and/or sanitizing the Real Property and/or Personal Property damaged as a result of the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address. For a Subclass B Class Member whose claim is based upon the right of subrogation, "Out of Pocket Expense" shall mean the amount paid to its insured for Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense caused by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address. Out of Pocket Expenses *does not* include: 1) any claim for noneconomic damages as defined by MCL 691.1416(f); and 2) any payments by the Class Member associated with overland flooding of stormwater onto Real Property.
- d. **"Personal Property"** shall mean all property that is not real property and can be moved from one location to another. *"Personal Property" does not include vehicles.*
- e. **"Personal Property Damage"** shall mean the Personal Property that was destroyed by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address. Personal Property Damage *does not* include any Personal Property that was damaged or destroyed by overland flooding of stormwater onto Real Property. The monetary value of the Personal Property Damage shall be calculated based upon the Fair Market Value of the item.
- f. **"Real Property"** shall mean all buildings, structures and improvements, and other permanent fixtures, including, but not limited, walls and wall coverings, floors and floor coverings affixed thereto.
- g. **"Real Property Damage"** shall mean the Real Property that was destroyed by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019, at the Claimed Address. The monetary value of the Real Property Damage shall be strictly limited to the lesser of the estimated and/or actual cost to repair the Real Property destroyed and to return the Real Property to its condition that existed immediately prior to the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019. Real Property Damage does not include any Real Property that was damaged by overland flooding of stormwater onto Real Property. The monetary value of the Real Property Damage shall not include any other measure of Real Property loss or damage, including but not limited to, the lost rental value, diminished market value, loss of use or enjoyment or business interruption.
- h. **"Sewage Disposal System Event"** shall mean the overflow or backup of a sewage disposal system, as defined by MCL 691.1416(j), onto Real Property. *A "Sewage Disposal System Event" does not include the overland flooding of stormwater onto Real Property.*

## Claimant Identity

\_\_\_\_\_  
Your Full Name (please print)

\_\_\_\_\_  
Your Spouse's Full Name (please print)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
City, State Zip

(      )  
\_\_\_\_\_  
Daytime telephone number

## Claimed Address

1. Is your mailing address the same address that allegedly sustained the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019?  Yes  No
2. If no, please provide the address of the property that allegedly sustained the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019:

## Proof of Identification Documentation

**For each claimant, you must attach a copy of one of the following to your Claim Form-B:**

- \* A Subclass B Class Member must attach a copy of any government-issued photo identification or an equivalent method of identification to establish their identity and current address.
- \* If a Claim Form-B is filed on behalf of a corporation or entity who is a Subclass B Class Member, then documentation must be filed to establish the authority to file the Claim Form-B on behalf of the Subclass B Class Member along with the signor's government issued photo identification or equivalent method of identification to establish their identity.
- \* If person is filing a Claim Form-B on behalf of a Subclass B Class Member, then that person must include a copy of any government-issued photo identification or an equivalent method of identification to establish their identity and current address and documentation supporting their authority to file a Claim Form-B on behalf of the Subclass B Class Member.

## Personal Property Damage

1. Did you sustain any Personal Property Damage due to the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019?  Yes  No
2. If yes, then:
  - a. You must include an Itemized Personal Property List of all Personal Property Damage in Appendix A and return it with your Claim Form-B.
  - b. If you claim Personal Property Damage of *\$4,000 or less*, you *do not* need to provide supporting documentation.
  - c. If you claim Personal Property Damage *greater than \$4,000*, you *must* include reasonable evidence of your Personal Property Damage for each item on your Itemized Personal Property List in the form of receipts, invoices, photographs, video, or other similar types of evidence.

### Out of Pocket Expenses

1. Did you sustain any Out of Pocket Expenses due to the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019?  Yes  No
2. If yes, then:
  - a. You must include an Itemized Out of Pocket Expense List of all Out of Pocket Expenses in Appendix B and return it with your Claim Form-B.
  - b. If you claim Out of Pocket Expense of *\$3,000 or less*, then you *do not* need to provide supporting documentation.
  - c. If you claim Out of Pocket Expense *greater than \$3,000*, you *must* also include reasonable evidence of your Out of Pocket Expense for each item on your Itemized Out of Pocket Expense List in the form of receipts, invoices, or other similar types of evidence.

### Real Property Damage

1. Did you sustain any Real Property Damage due to the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019?  Yes  No
2. If yes, then:
  - a. You must include an Itemized Real Property Damage List of all Real Property Damage in Appendix C and return it with your Claim Form-B.
  - b. If you claim Real Property Damage of *\$4,000 or less*, then you *do not* need to provide supporting documentation
  - c. If you claim Real Property Damage *greater than \$4,000*, you *must* include reasonable evidence of your Real Property Damage for each item on your Itemized Real Property Damage List in the form of receipts, invoices, estimates, photographs, video or other similar types of evidence.

### Financial Reimbursement

1. Did you receive Financial Reimbursement for any Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense allegedly caused by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address?  Yes  No
  - a. What type of damage was covered? (check all that apply)
    - Personal Property Damage
    - Real Property Damage
    - Out of Pocket Expense
    - Other (describe): \_\_\_\_\_
  - b. State the amount of Financial Reimbursement received by type of damage covered:
    - Personal Property Damage: \$ \_\_\_\_\_
    - Real Property Damage: \$ \_\_\_\_\_
    - Out of Pocket Expense: \$ \_\_\_\_\_
    - Other: \$ \_\_\_\_\_

2. Did you receive grant money from FEMA for any Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense allegedly caused by the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address?  Yes  No

a. State the amount of money received from FEMA, if not covered in response to 1.a. above:  
\$ \_\_\_\_\_

**You must include information detailing the type and amount of Financial Reimbursement received.**

3. If documents itemizing any information relating to Financial Reimbursement received are unavailable following a good faith effort to produce the same, you must make a good faith effort to obtain the documents from the source of the Financial Reimbursement.

4. If you are unable to obtain the documents following these efforts, you must submit a declaration, under penalty of perjury, that contains the information set forth above.

**Claimant Certification**

By submitting this Claim Form, I declare under penalty of perjury that I am a member of the Settlement Class and that the following statements are true:

I read the Long Form Notice accompanying this Claim Form.

I sustained damage due to the claimed Sewage Disposal System Event occurring on or about April 30-May 1, 2019 at the Claimed Address (listed above).

All information provided in this Claim Form and its attachments are true and correct.

\_\_\_\_\_  
Your signature Date: \_\_\_\_\_

\_\_\_\_\_  
Your Spouse's signature Date: \_\_\_\_\_

Your fully completed Claim Form must be postmarked no later than *April 11, 2023* to Class Counsel at the following address:

**Dubin Law, PLLC, 2723 S State St Suite 150, Ann Arbor, MI 48104**





**APPENDIX C  
ITEMIZED REAL PROPERTY LIST**

1. Did you obtain a professional estimate for repairing any of your Real Property Damage?  Yes  No

**If Yes, please provide the following information for each such item of Real Property Damage:**

Name of Contractor	Brief Description of Real Property Damage	Date of Estimate	Amount of Estimate

2. If you performed the repairs to any of your Real Property Damage, please list all materials purchased, the purchase cost of the materials, and the actual amount you paid to 3<sup>rd</sup> parties to make the repairs for each such item of Real Property Damage.

Brief Description of Real Property Damage	Description of real property materials purchased for repair and labor conducted by 3 <sup>rd</sup> parties to make the repairs	Amount of Materials and Payment to 3 <sup>rd</sup> Parties
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	<b>Grand Total of Real Property Damage</b>	\$

**If you are claiming Real Property Damage *greater than \$4,000*, you *must* include reasonable evidence of your Real Property Damage for each item on your Itemized Real Property List in the form of receipts, invoices, estimates, photographs, video or other similar types of documentation.**