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12 Attorneys for Defendant
 Wells Fargo Bank, N.A.
 13

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 VANA FOWLER, individually and on
 18 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 WELLS FARGO BANK, N.A.,

22 Defendant.
 23

CASE NO. 4:17-cv-02092-HSG

**JOINT STIPULATION TO FORM OF
 NOTICE**

The Hon. Haywood S. Gilliam, Jr.

1 Plaintiffs Vana Fowler and Michael Peters and Defendant Wells Fargo Bank, N.A. jointly
2 stipulate to, and request the Court to approve, non-substantive revisions to the form of the short-
3 form (“postcard”) notice approved by the Court in the Order Granting Preliminary Approval of
4 Class Settlement (“Preliminary Approval Order”) [D.E. 85], as follows:

5 1.

6 Plaintiffs submitted a proposed postcard notice to be provided to class members as Exhibit
7 A to the Motion for Preliminary Approval of Class Settlement (“Preliminary Approval Motion”)
8 [D.E. 80].

9 2.

10 After filing of the Preliminary Approval Motion, the class administrator Garden City
11 Group recommended that the notice be shortened, so as to fit on a standard postcard in 7.5 point
12 font (compared to 7 point font).

13 3.

14 In consultation with Garden City Group, counsel agreed to non-substantive changes
15 shortening the postcard notice and submitted a revised form of notice to the Court via e-mail on
16 August 3, 2018. The proposed revised postcard notice is attached as Exhibit 1. A comparison of
17 the original and revised postcard notices is attached as Exhibit 2.

18 4.

19 The Preliminary Approval Order approved the form of the original postcard notice
20 submitted with the Preliminary Approval Motion. D.E. 85 at 12. Counsel now understand that the
21 Court does not consider e-mail submissions.

22 5.

23 The parties file this joint stipulation for the purpose of submitting the revised postcard
24 notice attached as Exhibit 1 for the Court’s consideration and approval for distribution to the class.

25 **IT IS SO STIPULATED.**

1 DATED: August 24, 2018

2

3

4 /s/ Adam L. Hoipkemier _____
Adam L. Hoipkemier
Epps Holloway DeLoach & Hoipkemier LLP
5 6 Concourse Parkway, Suite 2920
6 Atlanta, GA 30328

/s/ K. Issac deVyver _____
K. Issac deVyver
McGuireWoods LLP
Tower Two-Sixty
260 Forbes Avenue, Suite 1800
Pittsburgh, PA 15222-3142

7 Counsel for Plaintiff Vana Fowler

Counsel for Defendant Wells Fargo Bank, N.A.

8


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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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11

12 Dated: 8/27/2018



Honorable Haywood S. Gilliam, Jr.
United States District Judge

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**Important Notice About
Mortgage Pre-Payment Settlement**

**If You Prepaid an FHA-Insured Loan
With Wells Fargo on a Day Other Than
the First of the Month, You May Be
Eligible For a Payment from a Class
Action Settlement.**

***THIS NOTICE MAY AFFECT YOUR
LEGAL RIGHTS. PLEASE READ IT
CAREFULLY.***

**This is an official court notice from the
United States District Court for the
Northern District of California,
Fowler, et al. v. Wells Fargo Bank, N.A.,
Case No. 4:17-cv-02092-HSG**

Fowler, et al v. Wells Fargo Bank, N.A.
c/o GCG
PO Box 10644
Dublin, OH 43017-9244

1234567890



Claimant ID: MMMMM011111111
Control No: 1234567890

JANE CLAIMANT
123 4TH AVE
APT 5
SEATTLE, WA 67890

***This Notice is only a summary of your legal rights and choices. For more complete information,
please read the full Notice, which you can obtain by visiting www.FHASettlement.com.***

A Settlement has been reached in a class action lawsuit about the collection of interest by Wells Fargo Bank, N.A. (“WFB”) on FHA-insured loans paid off early for which WFB served as mortgagee. *Fowler, et al. v. Wells Fargo Bank, N.A.*, is pending in the United States District Court (“USDC”) for the Northern District of California and alleges that WFB breached the promissory notes underlying class member’s FHA-insured home loans when it collected post-payment interest (i.e., interest for the remainder of the month during which the loan was paid off) without providing a certain type of disclosure to borrowers. To settle the case and avoid the costs and risks of litigation, the parties have agreed to a settlement.

Please go to www.FHASettlement.com to obtain more information about the Settlement and to see the Settlement Agreement.

Why am I being contacted? WFB’s records show that you are likely a member of the Settlement Class. The Class generally includes all persons nationwide who had an FHA-Insured Loan that was originated beginning June 1, 1996 and ending January 20, 2015, where (i) WFB, its agent, or its predecessor was the mortgagee as of the date the total amount due on the FHA-Insured Loan was brought to zero, (ii) WFB collected Post-Payment Interest on the FHA-insured Loan during the applicable Limitations Period, and (iii) the borrower made a prepayment inquiry, request for payoff figures, or tender of prepayment but did not receive a Payoff Statement containing certain language.

What are the Settlement terms? WFB has agreed to deposit \$30,000,000 into an escrow fund for payment of settlement expenses, attorneys’ fees and costs, awards to class representatives, and distribution to Class Members.

How much will my Settlement payment be? If you do not exclude yourself from the Settlement (see **Your Rights May Be Affected**, below), you will automatically receive a check. To determine the amount of each Settlement Class Member’s distribution, the “Net Settlement Fund” will be calculated by deducting the costs of settlement administration, attorneys’ fees, class representative awards, and expenses authorized by the Court, from the Settlement Fund. For each Settlement Class Member, the Administrator will divide the amount of Post-Payment Interest WFB collected from that Settlement Class Member by the total amount of Post-Payment Interest that collected from all Settlement Class Members, to arrive at a pro rata percentage. For each Settlement Class Member, the Administrator will multiply the pro rata percentage by the Net Settlement Fund, with the calculation constituting the distribution for that Settlement Class Member. The Net Settlement Fund remaining following the first round of payments will be re-apportioned and distributed to Settlement Class Members who cashed their first check, again on a pro rata basis.

Your Rights May Be Affected. If you do not take action to exclude yourself, you will be bound by the terms of the Settlement Agreement, including its Releases. If you do not want to be legally bound by the Settlement, you must ask (in writing) to be excluded, postmarked by [date xx,xxxx]. If you stay in the Settlement Class, you may object to the settlement (in writing) by [date xx,xxxx]. The Court will schedule a hearing to consider whether to approve the Settlement and a request for attorneys’ fees, costs, and expenses, plus a special payment to the Class Representatives. You can appear at the hearing, but you do not have to. You can hire your own attorney, at your own expense, to appear or speak for you at the hearing. Visit www.FHASettlement.com to learn more about how to exclude yourself from or object to the Settlement.

When will the hearing be held to determine approval of the Settlement, and where? The USDC for the Northern District of California will schedule the final fairness hearing to take place at the United States Courthouse at 1301 Clay Street, Oakland, California 94612, to decide whether to approve: (1) the Settlement, (2) Class Counsel’s request for attorneys’ fees and expenses, and a service payment to the Class Representatives. Once the date and time are determined, it will be available on the settlement website.

Who are the lawyers for the Class? The Court has appointed Epps Holloway DeLoach & Hoipkemier LLP and Robins Kaplan LLP as Class Counsel.

Fowler, et al v. Wells Fargo Bank, N.A.

[Address] c/o GCG

PO Box 10644

Dublin, OH 43017-9244

POSTAGE

Formatted: Different first page header

Important Notice About Mortgage Pre-Payment Settlement

Address Block

**If You Prepaid an FHA-Insured Loan With
Wells Fargo on a Day Other Than the
First of the Month, You May Be Eligible
For a Payment from a Class Action
Settlement.**

***THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE
READ IT CAREFULLY.***

**This is an official court notice from the United States District
Court for the Northern District of California, *Fowler, et al. v.*
Wells Fargo Bank, N.A.,
Case No. 3:17-cv-02092-HSG**

A Settlement has been reached in a class action lawsuit about the collection of interest by Wells Fargo Bank, N.A. ("~~Wells Fargo~~WFB") on FHA-insured loans paid off early for which ~~Wells Fargo~~WFB served as mortgagee ~~or servicer~~. ~~The lawsuit~~, *Fowler, et al. v. Wells Fargo Bank, N.A.*, is pending in the United States District Court ("~~USDC~~") for the

Northern District of California—~~This lawsuit and~~ alleges that ~~Wells Fargo~~WFB breached the promissory notes underlying ~~the~~ class member's FHA-insured home loans when it collected post-payment interest (i.e., interest for the remainder of the month during which the loan was paid off) without providing a certain type of disclosure to borrowers. To settle the case and avoid the costs and risks of litigation, the parties have agreed to a settlement.

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Document comparison by Workshare 9 on Friday, July 13, 2018 1:15:10 PM

Input:	
Document 1 ID	interwovenSite://DMSPROXY/Active/104598132/1
Description	#104598132v1<Active> - ORIGINAL - Draft Postcard Notice
Document 2 ID	interwovenSite://DMSPROXY/Active/104598139/1
Description	#104598139v1<Active> - REVISED - Draft Postcard Notice - Revised
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:

	Count
Insertions	21
Deletions	27
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	48