

PCS PHOSPHATE COMPANY, INC.)
Plaintiff)
v.)
ESSIE MOORE LONG, MARCELLUS BLOUNT, AND)
BERNARD MOORE, each individually and as a)
Representative of the Class of All Heirs of ELIZA ANN)
MOORE DIAMOND,)
Defendants.)

FILED
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BEAUFORT CO., C.S.C.
BY phd

NOTICE OF PROPOSED CLASS CERTIFICATION, PROPOSED SETTLEMENT OF CLASS ACTION LITIGATION, CLASS CERTIFICATION AND SETTLEMENT FAIRNESS HEARING, AND MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES

Your legal rights might be affected if you: Are a descendant of Eliza Ann Moore Diamond, formerly a resident of Beaufort County, North Carolina ("Ms. Diamond"), or claim an interest in either of two adjacent tracts of land in Beaufort County, North Carolina, described below in Attachment A and referred to collectively as the Diamond Property. Ms. Diamond died in (or about) 1901, without a will (i.e., intestate), leaving seven children, namely: Betsy Williams, William David Moore, Millie Moore, John Alan Moore, Hezekiah Moore, Mary Jane Moore, and William Thomas Moore. All descendants of these seven children, as well as all persons or entities who now claim any interest in the Diamond Property (whether by deed, will, judicial decree, or otherwise) are referred to in this Notice as the Class.

PLEASE READ THIS NOTICE CAREFULLY. A NORTH CAROLINA SUPERIOR COURT JUDGE AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION.

This Notice advises you of a proposed class action lawsuit brought by PCS Phosphate Company, Inc. ("Plaintiff" or "PCS") against Essie Moore Long, Marcellus Blount, and Bernard Moore (collectively, "Named Defendants") on behalf of themselves and all heirs of Ms. Diamond as well as anyone else claiming an interest in the Diamond Property. Plaintiff and Named Defendants are referred to as the "Parties." The lawsuit is referred to as the "Action." Other capitalized terms used in this Notice and not defined in it have the meanings assigned them in the Settlement Agreement.

On July 28, 2014, the Chief Justice of the North Carolina Supreme Court, pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts of North Carolina, designated this case as "exceptional" and appointed the Honorable Wayland J. Sermons, Senior Resident Superior Court Judge, to preside over this case. Subsequent orders and decisions entered by Judge Sermons are referred to as having been entered by "the Court."

The Court has preliminarily approved certification of the Class, represented by the Named Defendants and Matthew S. Sullivan and the law firm of White & Allen. The Court has also preliminarily approved the Settlement (described below). The Court has scheduled a hearing to make a final determination on the proposed Class Certification and to evaluate the fairness and adequacy of the Settlement. At the hearing, the Court will consider the Parties' requests for Class Certification, final approval of the Settlement (including approval of an award of attorneys' fees and expenses). The hearing has been scheduled for November 7, 2014 at 10:00 a.m. EST in the Beaufort County Superior Court, 112 West 2nd Street, Washington, North Carolina.

The detailed terms of the Settlement are contained in the Class Action Settlement Agreement ("Settlement Agreement"), a copy of which is available at www.whiteandallen.com, or by contacting Class Counsel: Matthew S. Sullivan, P.O. Box 3169, Kinston, NC 28502-3169. If you have questions or comments, you may contact Class Counsel via email at msullivan@whiteandallen.com. **Please do not contact the Superior Court or counsel for Plaintiff.** They will not be able to answer your questions.

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY. IF YOU ARE A MEMBER OF THE CLASS, CERTIFICATION AND SETTLEMENT WILL AFFECT YOUR RIGHTS. YOU DO NOT HAVE TO APPEAR IN COURT, AND YOU DO NOT HAVE TO HIRE AN ATTORNEY IN THIS CASE. IF YOU ARE IN FAVOR OF THE CERTIFICATION AND SETTLEMENT, YOU NEED NOT DO ANYTHING AT THIS TIME. IF YOU DISAPPROVE OF THE CERTIFICATION OR IF YOU DISAPPROVE OF THE SETTLEMENT, YOU MAY OBJECT TO THE CERTIFICATION OR THE SETTLEMENT, OR BOTH, BY FOLLOWING PROCEDURES DESCRIBED BELOW.

ACTIONS YOU MAY TAKE	
To Participate in Settlement:	If the Class is certified and the Settlement is approved, and if you are a Member of the Class, you do not need to do anything <u>at this time</u> in order to receive a payment. However, you will then need to participate in the Claims Procedure and to do so, Class Counsel must have accurate contact information for you. <i>If you did not receive this Notice by mail, please contact Plaintiffs' Class Counsel to ensure that your current address is entered into the database that will be used to distribute money from the Settlement.</i>
YOU CAN OBJECT (objection must be postmarked by October 20, 2014, and received by the Clerk of Court and lawyers identified below no later than October 27, 2014 .)	If you wish to object to the Certification of the Class or to any part of the Settlement, you can write to the Court and the lawyers identified below and explain why you do not like the Certification or the Settlement. See details below, Question No. 13 and Question No. 16.

ACTIONS YOU MAY TAKE

YOU CAN GO TO THE HEARING ON November 7, 2014.

If you submit a written objection to the Certification or Settlement to the Court and the lawyers identified below before the Court-approved deadline, you may (but do not have to) attend the Court Hearing on November 7, 2014 and present your objections to the Court. See Question No. 16 below if you wish to be heard at the Hearing. You may attend the Hearing even if you do not file a written objection, but you will only be allowed to speak at the Hearing if you file a written objection in advance of the Hearing and comply with Question No. 16.

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DIAMOND PROPERTY PRIOR LITIGATION

Ms. Diamond acquired the Diamond Property in Beaufort County, North Carolina, in 1873 by deed. The two tracts making up the Diamond Property are referred to as Tract 1 (approximately 16.74 acres) and Tract 2 (approximately 6.1 acres) and are described more specifically in Attachment A at the end of this Notice. In approximately 1901, Ms. Diamond died without a will. Under the laws of North Carolina, her interest in the Diamond Property passed to her children and, if they had already died, to their children, and so on. Beginning in the early 1960's, two corporations—N.C. Phosphate Corporation ("NCPC") and Texas Gulf Sulphur Co. (later Texasgulf Company, both referred to as "Texasgulf")—began to buy property in the area of the Diamond Property. NCPC and Texasgulf acquired the undivided interest of some, but not all, of the heirs to the Diamond Property. Both of these companies were later acquired by the Plaintiff in this action. In 1964, some of the Diamond Heirs (Clifford Moore and others), filed an action in Beaufort County Superior Court, North Carolina [*Clifford Moore and Others v. N.C. Phosphate Corporation, and Others*, 68 CvS 1159] requesting that the Court order the Diamond Property sold and the proceeds divided among Ms. Diamond's heirs, NCPC and Texasgulf (the "Partition Suit"). In order to determine the then-current ownership of the Diamond Property, the Court appointed a "Referee" to hear evidence and determine who all of the Diamond heirs were at that time. As a result, the Referee entered a detailed Report (the "Report," available at www.whiteandallen.com) in 1968 identifying at that time approximately 100 heirs of Ms. Diamond and determining what each heir's percentage in each of the two Tracts was at that time. The Referee determined that NCPC (and now, by acquisition, Plaintiff PCS) owned 37.4% of Tract 1 and 2.9% of Tract 2, meaning that the other heirs of Ms. Diamond then owned 62.6% of Tract 1 and 97.1% of Tract 2. However, the Report also noted that Texasgulf (also now owned by PCS) had acquired the interests of some of the heirs, which would reduce the interests owned by the heirs. Because the number of parties to the Partition Suit continued to expand (as parties died and left additional heirs), the Partition Suit became more and more complicated and was ultimately abandoned without any sale being ordered.

As a result of the Partition Suit, the Referee's Report establishes as a matter of law who the heirs of Ms. Diamond and other owners were as of 1968. Therefore, to be a member of the Class, a person or entity will have to establish that he, she, or it takes their current claimed ownership in the Diamond Property from one of the individuals named in the Report (the "Report Owners"), either by will, intestate inheritance, deed, or some other documented transaction. A list of the Report Owners is attached to this Notice as Attachment B and is available at www.whiteandallen.com, along with a more detailed explanation of who the Report Owners are (*i.e.*, how they are related to Ms. Diamond).

SUMMARY OF THIS ACTION

PCS filed this Action on May 2, 2014 claiming that it is now the owner of the entire Diamond Property, and asking the Court to declare that it is the sole owner of both Tracts by virtue of a doctrine known as "adverse possession." Specifically, PCS claims that it and the companies it bought have used the Diamond Property exclusively since at least 1976. During that time, PCS claims that it has paid all property taxes on the Property, has posted the boundaries of the Property, and has used the Property exclusively as its own. During that time, PCS claims that no heir of Ms. Diamond and no other entity has attempted to use the Property or has claimed ownership in the Property.

The Named Defendants are each descendants of Ms. Diamond and claim current ownership interests in one or both Tracts of the Property. Specifically, Ms. Long was determined by the Report to own 3/760ths of Tract One; Mr. Blount's father (who is deceased) was determined by the Report to own 1/189th of both Tracts; and Mr. Moore's father (who is deceased) was determined by the Report to own 1/315th of Tract 2.]

SUMMARY OF SETTLEMENT

Under the proposed Settlement, PCS will pay a total of \$160,000, to be distributed as follows: \$100,000 (less the costs of Litigation and Notification ("Costs"), as described in more detail in the Settlement Agreement), will be distributed among those members of the Class who come forward and make a claim proving descent from one of the Report Owners – the heirs identified in the Partition Suit Report; distribution would be calculated generally applying the North Carolina rules of inheritance, as described in more detail below; \$25,000 will be paid to the North Carolina Community Foundation Fund for use as a college tuition loan fund, described below; \$7,500 will be distributed to the Named Defendants (\$2,500 each); and \$27,500 will be paid to Class Counsel for their services in this Action. The Court will enter a judgment determining that PCS is the sole owner of both Tracts.

Distribution of the \$100,000 Class Payment: Potential Members of the Class will participate in the Claims Procedure (see Attachment C to this Notice) requiring them to establish their Class Membership using one of the methods in the Claims Procedure (see www.whiteandallen.com). For most Class Members, this will mean establishing that they are a descendent of one of the heirs identified in the Report—the Report Owners. Proof will typically be accomplished by birth certificates or other records available at the Register of Deeds Office. If the Class Member claims ownership by deed or will, copies of those documents will need to be provided. After all claims have been received, distribution of the funds for those claimants who inherited their ancestors' interests (which the Parties believe will be most of the Class Members) will be based on North Carolina's law of intestate succession. The Class Payment will not be divided *per capita* among the claimants, but instead will be divided by family line.

Also, as the 1968 Report shows, some of the descendants had already sold their interest in one Tract or the other (or in some cases, in both Tracts). Therefore, the Class payment will be divided between the two Tracts. After deducting the Costs, 64% percent of the Class payment will be made to Class Members proving descent from those heirs who still owned a part of Tract 1 and 36% will be paid to Class Members proving descent from those heirs who still owned a portion of Tract 2. If the ancestor did not sell their interest in either Tract, the Class member will receive payments from both funds. If the ancestor sold both interests, the class member will not receive any part of the Class payment (but can participate in the College loan program described below). This allocation (64% to Tract 1 and 36% to Tract 2) is based on the percentage ownership of the heirs in each Tract as established in the Report (without considering the additional purchases by Texasgulf), adjusted for the different size of the two Tracts: the Report found the heirs owned 62.6% of the 16.74 acres of Tract 1 [which equals 10.48 acres] and 97.1% of the 6.1 acres of Tract 2 [which equals 5.92 acres]; the heirs therefore could claim ownership of 16.3 combined acres [10.48 + 5.92], of which 64% [10.48 acres] comes from Tract 1 and 36% [5.92 acres] comes from Tract 2.

After all the claims and proofs of claims have been submitted, Class Counsel will perform all the calculations to determine the appropriate allocation among Class Members and will submit those to both the Court and the Class Members. An opportunity to object to those calculations will then be provided before the Court confirms the final distribution.

College Fund: The \$25,000 payment to the North Carolina Community Foundation Fund will be used for college low interest loans and in some cases grants for deserving residents of Beaufort County. Descendants of Ms. Diamond will be encouraged to apply for these scholarships. Descendants are not guaranteed to receive the scholarships, but familial relationship may be a factor, among many factors, that are considered in the grant of these scholarships. By law, however, the fund cannot be limited to one family.

Named Defendants and Counsel: The individual payments to the Named Defendants is in recognition of the work they have done in assisting Counsel in identifying members of the Class, negotiating a settlement that benefits the entire Class, and advising Class Counsel. The Settlement also includes payment of \$27,500 (slightly more than 17% of the total Settlement amount) to Class Counsel. Class Counsel will have to submit records to the Court confirming that they have done substantial work in representing the Class and consummating the Settlement to be finally awarded this amount.

Reason for Settlement: As with any lawsuit, the Parties would face an uncertain outcome if the Action is not settled. If the case is not settled and PCS wins, the Court would declare PCS to be the owner of the Property and no other person would have any interest in the Property or be paid for any interest they or their ancestors previously owned. Class Members would receive nothing. If PCS does not win, it still owns, as determined by the Report, 37.4% of Tract 1 and 2.9% of Tract 2, plus the interests purchased by Texasgulf. At that point, PCS would be under no obligation to buy the ownership shares of the Class Members. Any owner (including PCS or any heir of Ms. Diamond) could petition the Court for a partition or partition sale of the Property, as was attempted in 1964. This Action does not include any request for partition or partition sale.

BASIC INFORMATION

1. Why did I get this Notice?

If you received this Notice by mail, it is because one of the Parties has some reason to believe that you may be a descendant of Eliza Ann Moore Diamond. You will still need to participate in the Claims Procedure and prove your entitlement to participate as a Class Member. If you did not receive this Notice directly but instead became aware of it some other way, you will need to contact Class Counsel so that future notices and the Claims Procedure can be directly communicated to you.

The Court has directed that this Notice be sent because potential members of the Class have a right to know about the proposed Class Certification and the proposed Settlement before the Court decides whether to approve either. If the Court approves the Certification and the Settlement, the Settlement Amount will be allocated as described above in accordance with the Settlement Agreement. This Notice explains the Action, the Settlement, your legal rights, what benefits may be available, who is eligible for them, and how you may participate. The purpose of this Notice is to inform you of a hearing ("Certification and Fairness Hearing") to be held by the Court to consider certification of the Class and the fairness, reasonableness, and adequacy of the proposed Settlement.

The Certification and Fairness Hearing will be held at 10:00 a.m. EST on November 7, 2014 before the Honorable Wayland Sermons in Beaufort Superior Court, 112 West 2nd Street, Washington, North Carolina. At that hearing, the Court will decide:

- (a) whether the Class as described should be certified and represented by Named Defendants and Class Counsel White and Allen (Matthew Sullivan, lead counsel);
- (b) whether the Settlement should be approved as fair, reasonable, and adequate;
- (c) whether Plaintiff should be declared the sole owner of the Diamond Property pursuant to the terms of the Settlement Agreement;
- (d) whether this Notice and the way it was disseminated constitutes a proper notice and meets all applicable legal requirements; and

2. What is the lawsuit about; what has happened so far?

As described above (Diamond Property Prior Litigation), this is not the first attempt to resolve ownership of the Diamond Property. PCS now claims it is the sole (only) owner of the Diamond Property, but it has agreed to a settlement that, if approved, would result in payments to the Class Members and others, as described above. The Named Defendants and their Counsel have met with PCS and its Counsel to negotiate a possible settlement. PCS provided the Named Defendants evidence of the current fair market value of the Diamond Tracts. The Parties, through their attorneys, appeared before the Court and offered evidence of the elements necessary for the Court to ultimately conclude that a Class is appropriate, that the Named Defendants are appropriate representatives, that the Class Counsel is appropriate, and that the Settlement is fair, reasonable, and adequate. The Court's initial determinations are only preliminary. At the Certification and Fairness Hearing, the Parties will present that evidence and the Court may allow any potential Class Member who has timely filed an objection (see Question No. 13 below) and Notice of Intention to Appear (see Question No. 16 below) to present evidence and arguments opposing either the Class Certification or the Settlement or both. The Court will then decide if the Class should be certified and if the Settlement should be approved.

This Settlement is the product of good faith, arm's-length negotiations between the Parties and their Counsel, during which the terms of the Settlement were extensively debated and negotiated.

3. Why is this case a class action?

Under the North Carolina Rules of Court, a group may sue, or be sued, when they are so numerous as to make it impracticable to bring them before the Court individually. Because PCS is claiming sole ownership of this Property as against all heirs of Eliza Diamond, and since there were almost 100 such heirs in 1968, it appeared impractical at this point to identify and bring before the Court all of the individual heirs. For most heirs, their interest in the Property is so small that it would not be economical for them to appear individually with their own counsel.

4. Why is there a Settlement?

In reaching the Settlement, the Parties are seeking to avoid the cost, time and risk associated with a trial and appeal. As with any litigation, all Parties face an uncertain outcome, including the risk of loss at trial or on appeal. Without a judicial determination that PCS owns the Diamond Property, PCS could face the uncertainty of future litigation. For the Named Defendants, even if they win at trial, they will simply have established their continued partial ownership interest in the Property and neither the Named Defendants nor any of the Class Members would receive any money in this lawsuit: PCS would not be forced to buy out the class members' interests. Based on these risks and an evaluation of this case, Named Defendants and Defendants' Class Counsel believe this Settlement is in the best interest of all Class Members.

5. How do I know whether I am part of the Class?

The 1968 Report determines who all of the owners of the Property were as of that date. A list of those "Report Owners" is attached (Attachment B) and is available at www.whiteandallen.com, along with a more detailed explanation of who the Report Owners are (*i.e.*, how they are related to Ms. Diamond). Plaintiff and its Counsel have attempted to determine whether any of the persons identified in the 1968 Report have transferred their interests and have not located any deeds doing so. It is their belief, after a reasonable inquiry that, the vast majority of those heirs died without a will. If you are a descendant of the Report Owners, you are likely a member of the Class. You would not be a member of the Class if one of those heirs transferred all of their interest in both Tracts (by will or deed) to someone else prior to their death. If you prove you are a descendant of one of the persons identified in the 1968 Report and no one else asserts a claim to that same interest, you will be a member of the class.

6. What does the Settlement provide?

As described in the Settlement Summary above, the Settlement Agreement provides that PCS will be declared by this Court to be the sole owner of the Diamond Property, and PCS will pay \$160,000 to be distributed among Class Members, Class Counsel, the Named Defendants, and the North Carolina Community Foundation. The members of the Class will forfeit any right they may have in the Diamond Property.

7. How much will I get?

The Class Members will divide \$100,000 (less the Costs) to be calculated applying North Carolina laws of inheritance. Therefore, the amount that each person gets will vary (it is not a *per capita* distribution) and the amount each person gets will be affected by the total number of claims submitted. For example, Ms. Diamond had 7 children, so each of them got 1/7th of each Tract. One of her children (William David Moore) had 9 children, so each of them initially got 1/9th of their father's 1/7th, or 1/63rd of the total. Another of Ms. Diamond's children (Betsy Williams) had 5 children, so each of them got 1/5th of her 1/7th, or 1/35th of the total. And so on with each of the children, and with their children, grandchildren, etc. The claim of each Class Member will be traced back up the family tree, following these rules.

8. How can I get my portion of the recovery?

To participate in the recovery, you will need to file and prove your claim, which has two important steps and deadlines. See Claims Procedure, Attachment C. First, you must file a Notice of Claim, which notifies Class Counsel of the following: your full name; your mailing address; your telephone number; the name of the Report Owner (the person identified in the Referee's Report as an owner) for whom you are claiming; a brief explanation of the basis of your claim (*e.g.*, you are a child of the Report Owner or a grandchild of the Report Owner); and, proof of your identify (*e.g.*, government issued photo identity). **This information must be provided to Class Counsel on or before March 9, 2015, the deadline for filing Notice of Claim.** After filing Notice of Claim, Class Counsel will be available to assist the claimant in providing the documents necessary to complete the necessary Proof of Claim. The Proof of Claim documents are described in more detail in the Claims Procedure portion, Attachment C. **Proof of Claim must be filed by May 11, 2015.**

After the deadline for filing all Proofs of Claim, the Class Counsel will calculate the distributions, will notify the Class Members and the Court of those calculations, and all persons who timely file Proofs of Claim will have an opportunity to object to those calculations. After that, the Court will set the final distribution of payments to the Class Members.

9. When can I expect to receive payment?

Payment is conditioned on several things, including the Court's approval of the Settlement, completion of the Claims Procedure, and approval of the final distribution amounts. Distribution could, therefore, take many months, possibly more than one year. Please be patient.

10. Can I exclude myself from the Class or from the Settlement?

No. If the Court confirms the Class, it will not allow anyone to "opt-out." This is because the Plaintiff is not willing to settle the case unless it is settled with all potential owners. If an individual could opt-out, the Plaintiff would not achieve the finality it is seeking by agreeing to make the payment. Although you cannot opt out of the Class or the Settlement, you can object to certification of the Class or to the terms of the Settlement (or both). See Question No. 13, below.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

Yes. The Court has appointed the firm of White and Allen as Class Counsel for the Named Defendants and the Class. You will not be charged directly for these lawyers. If you want to be represented by your own lawyer, you may hire one **at your own expense**, but you will not be required to do so to participate in the Class Action or the Settlement. If you do hire your own attorney, the attorney must both effect service of notice of appearance on Counsel listed in the answer to Question No. 13 below and file it with the Court no later than October 27, 2014.

12. How will the lawyers be paid?

Defendants' Class Counsel will be paid a portion of the settlement amount, subject to the Court's final approval after submission of proof of services and expenses. The attorneys' fees awarded out of the total Class Settlement fund may not exceed \$27,500. To date, Defendants' Class Counsel have not received any payment for their services in defending this Action on behalf of the Class, nor have Counsel been reimbursed for their out-of-pocket expenses. The fee requested by Defendants' Class counsel will compensate them for their efforts in achieving the Settlement for the benefit of the Class, their assistance in the Claims Procedure, and their risk in undertaking this representation on a contingent basis. The Court will determine the appropriateness of the final award.

OBJECTING TO THE CERTIFICATION OR SETTLEMENT

13. How do I tell the Court if I don't like the Class Definition, the Class Representatives, the Class Counsel, or the terms of the Settlement?

If you are a potential Class Member, you can object to the certification of the Class (which includes approval of the Named Defendants as the Class representatives and the appointment of Class Counsel), and you can object to the terms of the Settlement if you do like any part of it. To object, you must send a letter or other paper identifying this case [*PCS Phosphate Co., Inc. v. Long, et al.*, 14 CvS 327], saying you object to the Certification, the Settlement, or both, and saying why you object. Be sure to include your name, address, telephone number, signature, and a full explanation of all the reasons you object. **Your written object must be postmarked no later than October 20, 2014 and received by the Clerk of Court and the lawyers listed below by October 27, 2014. File it with the Beaufort County Clerk of Court, P.O. Box 1403, Washington, NC 27889-1403, and by the same date, send copies of all such papers to each of the following:**

Counsel for Plaintiff:

William P.H. Cary
Brooks Pierce McLendon,
Humphrey & Leonard, LLP
P.O. Box 26000
Greensboro, NC 27420-6000

**Counsel for Named Defendants
and Class:**

Matthew S. Sullivan
White and Allen
P.O. Box 3169
Kinston, NC 28502-3169

UNLESS OTHERWISE ORDERED BY THE COURT, ANY CLASS MEMBER WHO DOES NOT OBJECT IN THE MANNER DESCRIBED ABOVE WILL BE DEEMED TO HAVE WAIVED ANY OBJECTION AND SHALL BE FOREVER FORECLOSED FROM OBJECTING TO THE PROPOSED CLASS CERTIFICATION AND THE PROPOSED SETTLEMENT (INCLUDING AWARD OF ATTORNEYS' FEES AND EXPENSES).

THE COURT'S CERTIFICATION AND FAIRNESS HEARING

14. When and where will the Court decide whether to certify the Class and approve the Settlement?

The Court will hold the Certification and Fairness Hearing at 10 a.m. EST on November 7, 2014 at the Beaufort County Courthouse, 112 West 2nd Street, Washington, North Carolina.

IF YOU DO NOT WISH TO OBJECT TO THE PROPOSED CERTIFICATION OR THE PROPOSED SETTLEMENT, YOU DO NOT NEED TO ATTEND THE CERTIFICATION AND FAIRNESS HEARING.

At the hearing, the Court will consider whether the Class should be certified and whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to certify the Class and approve the Settlement. We do not know how long these decisions will take.

15. Do I have to come to the hearing?

No, but you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time and served it as specified above, it will be before the Court when the Court considers whether to certify the Class and approve the Settlement. You may also have your own lawyer attend the hearing at your expense, but such attendance is not required.

16. May I speak at the hearing?

You (or your attorney, if you hire one) may ask the Court for permission to speak at the hearing. To do so, you (or your attorney, if you hire one) must send a letter or other paper called a "Notice of Intention to Appear at Certification and Fairness Hearing in *PCS Phosphate Co., Inc. v. Long, et al.*, 14 CvS 327" to the attorneys listed in the answer to Question No. 13 above, postmarked no later than October 20, 2014, and it must be filed with the Clerk of Court at the address listed in Question No. 13 no later than October 27, 2014. Be sure to include your name, address, telephone number, and signature. Any objector who does not timely file or serve its Notice of Intention to Appear in accordance with this paragraph shall not be permitted to appear and speak at the hearing, except for good cause shown.

The hearing may be rescheduled by the Court without further notice to the Class. If you plan to attend the hearing, you should confirm the date and time with Class Counsel by checking the website: www.whiteandallen.com.

IF YOU DO NOTHING

17. What happens if I do nothing at all?

If you do nothing and you are a Class Member, you will be bound by the Settlement but you will not participate in the distribution of Settlement proceeds unless you have completed the Notice of Claim and the Proof of Claim as described in the Settlement Agreement and in Question No. 8 above.

THE COURT EXPRESSES NO OPINION ABOUT THE MERITS OF THE ACTION

18. Is the Court taking a position on this case?

No. By authorizing this Notice to be sent to Class Members, the Court expresses no opinion on the merits or the Parties' claims or defenses.

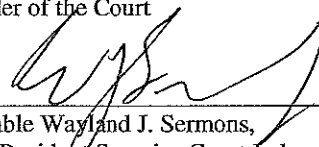
GETTING MORE INFORMATION

19. How do I get more information?

This Notice summarizes the proposed Class Certification and Settlement. Full details about the Settlement are in the Settlement Agreement. You may obtain a copy of the Settlement Agreement by making a written request to Class Counsel, listed above in the answer to Question No. 13. Copies of the Settlement Agreement as well as the Motion Seeking Preliminary Approval of the Settlement Agreement and Certification of the Class may also be viewed at www.whiteandallen.com.

Class Counsel have established a website (www.whiteandallen.com) with other information about the case and Class Counsel may be contacted via email at msullivan@whiteandallen.com.

By Order of the Court



Honorable Wayland J. Sermons,
Senior Resident Superior Court Judge

Dated: 8/27/14