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Attorneys for Plaintiffs

TRUE COPY

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ANDREW SNYDER; LORI MARINI;  
JAMES and NICOLE O'ROURKE, husband  
and wife; BRIAN FEGLEY and ALLISON  
FEGLEY, husband and wife; and JOSEPH  
and LINDA LEON, husband and wife, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

TIM SCHAEFFER DEVELOPMENT  
CORP, d/b/a "Tim Schaeffer Communities"  
and "Schaeffer Family Homes;"  
LONACONING, L.L.C., d/b/a "Tim  
Schaeffer Communities" and "Schaeffer  
Family Homes;" DAYSTAR  
CONSTRUCTION, INC., d/b/a "Tim  
Schaeffer Communities" and "Schaeffer  
Family Homes;" SCHAEFFER FAMILY  
HOMES, LLC,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
CAMDEN COUNTY

DOCKET NUMBER: CAM-L-864-14

**ORDER GRANTING PRELIMINARY, NON-BINDING APPROVAL TO PROPOSED  
CLASS ACTION SETTLEMENT, APPROVING FORM OF CLASS SETTLEMENT  
NOTICE AND NOTICE DISTRIBUTION PLAN, AND  
SCHEDULING A DATE FOR THE FORMAL PUBLIC FAIRNESS HEARING**

This matter having come before the Court upon a joint motion by plaintiff and defendants under R. 4:32-1 et seq. for preliminary, non-binding approval of a proposed class action settlement, court approval of a proposed form of class settlement notice and a plan of notice publication and setting a hearing date for the formal public fairness hearing on whether to grant

final approval to the proposed class settlement, and the Court having considered the joint motion papers, and for good cause shown;

IT IS HEREBY ORDERED this 21 day of Sept 2015 as follows:

1. The Court grants preliminary, non-binding approval of the proposed class action settlement;
2. This matter shall preliminarily proceed as a class action with the settlement class defined as follows:

All persons who are the original purchaser(s) (from Lonaconing and/or another Defendant) of a townhome in the "Townhomes at Lonaconing" development located in Berlin, Camden County, New Jersey that has a full or partial stucco front façade and who still owns that townhome at the time of filing of a Claim Form. (Class or Settlement Class).

3. The Court preliminarily appoints Plaintiffs Lori Marini, James and Nicole O'Rourke and Joseph and Linda Leon as the named Class Representatives and preliminarily appoints Stephen DeNittis of DeNittis Osefchen, P.C. as Class Counsel.
4. It is apparent from the file and presentation of counsel that the parties stipulate for purposes of this conditional class settlement that the proposed Settlement Class meets the requirements of R. 4:32-1 et seq. such that Class Notice should be provided.
5. The Court approves the content of the proposed class settlement notice submitted by counsel and the proposed manner of notice distribution. The Court directs that within 14 days of this Order, the class settlement notice shall be sent by first class mail to all persons whom Defendants' records indicate may be class members, at their last known address. In addition, within 14 days of this Order, the class settlement notice shall also be posted on Class Counsel's web site.

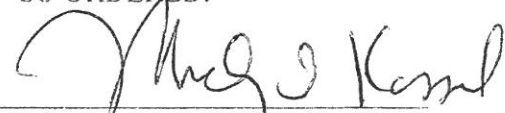
6. The Claims Period shall run for a period of ninety (90) days, commencing on the date the Preliminary Approval Order is entered.

7. Any objections to the proposed class settlement, or requests for exclusion from the class, must be submitted to the Clerk, post-marked no later than fourteen prior to the Fairness Hearing scheduled in this matter. Pursuant to R. 4:32-1 et seq. a formal, public fairness hearing on whether to grant final, binding approval to the proposed class action settlement shall be held on December 11, 2015 <sup>at 9:00 AM</sup> (~~suggested date Friday, November 6, 2015~~) at the Superior Court of New Jersey, Camden County, Hall of Justice, 101 S. Fifth St., Camden, New Jersey 08103, the Honorable Michael J. Kassel, J.S.C. presiding, Courtroom 32.

8. Any memoranda of law or other documents in support of final approval of the proposed class settlement, copies of any objections or requests from exclusion that have been submitted to class counsel or defense counsel, and an affidavit attesting that class notice has been distributed in a manner consistent with this Order, must be submitted to the Court no later than 10 days prior to the hearing on final approval.

9. In the event that the proposed settlement as provided in the Settlement Agreement is not granted final approval by the Court, then the Settlement Agreement, and all drafts, negotiations, discussions and documentation related thereto and orders entered by the Court in connection therewith shall become null and void. In such event the Agreement and all negotiations and proceedings related thereto shall be withdrawn without prejudice to the rights of any and all parties thereto, who shall be restored to their respective positions as of the date of the execution of the Agreement.

SO ORDERED:

  
Honorable Michael J. Kassel, J.S.C.

ON RECORDED  
9/24/15