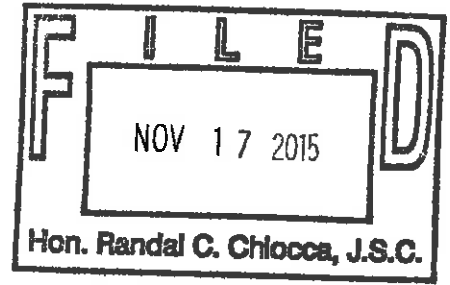


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Attorneys for Plaintiff



RISA ROSS, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

BERKSHIRE ABSTRACT & TITLE  
AGENCY, INC.

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
PASSAIC COUNTY

DOCKET NUMBER: PAS-L-60-15

***AMENDED***  
**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 an unopposed motion by plaintiff under R. 4:32-2(e) 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 motion papers, and for good cause shown;

IT IS HEREBY ORDERED this 17<sup>th</sup> day of November, 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 two settlement classes defined as follows:

**(1) All participants in New Jersey real estate closings between January 6, 2009 and the present who were charged a fee to record a mortgage by defendant at a real estate closing in New Jersey.**

**(2) All participants in New Jersey real estate closings between January 6, 2009 and the present who were charged a fee to record a mortgage discharge instrument by defendant at a real estate closing in New Jersey.**

3. The Court preliminarily appoints Plaintiff Risa Ross as the named Class Representative and preliminarily appoints Stephen DeNittis, Esq. of DeNittis Osefchen, P.C. as Class Counsel.

4. Based on the motion papers, the Court finds that the proposed Settlement Class meets the requirements of New Jersey Rule of Court 4:32-1 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 Defendant's records indicate may be class members, at their last known address. In addition, within 14 days of this Order, the class settlement notice shall be published on one date in the, the Star Ledger. The class settlement notice shall also be posted on Class Counsel's web site.

6. 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 days prior to the Fairness Hearing scheduled in this matter. Pursuant to R. 4:32-2(e)(C), a formal, public fairness hearing on whether to grant final, binding approval to the proposed class action settlement shall be held on JANUARY 15, 2016 (~~suggested date on or after Monday, January 4, 2016~~) at

the Passaic County Courthouse, 71 Hamilton Street, Paterson, New Jersey 07505, Courtroom 200  
at 1:30 p.m.

7. 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.

8. 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.

**No Opposition Filed**

SO ORDERED:

  
\_\_\_\_\_  
RANDAL C. CHIOCCA, J.S.C.