

**OPT-OUT FORM** (to be used to exclude yourself from this Settlement).

**District Court of Tulsa County, State of Oklahoma**

**SHAWMUT BANK, N.A., (BANK OF AMERICA), Plaintiff,  
vs.  
FOURTH STREET ASSOCIATES, et al.**

**Case No. CJ-94-3054  
Judge Michael Gasset**

**OPT-OUT FORM**

IN ORDER TO EXCLUDE YOURSELF FROM THE CLASS THAT HAS BEEN CERTIFIED IN THIS PROCEEDING, YOU MUST MAIL THIS OPT-OUT FORM TO THE ADDRESS BELOW SO THAT IT IS POSTMARKED OR OTHERWISE DELIVERED NO LATER THAN **JULY 17, 2009**. IF THIS OPT-OUT FORM IS TIMELY AND PROPERLY SUBMITTED, THEN YOU WILL BE EXCLUDED FROM THE CLASS AND YOU WILL NOT BE ENTITLED TO RECEIVE ANY PAYMENTS UNDER THE SETTLEMENT AGREEMENT, YOU WILL NOT BE ENTITLED TO OBJECT TO THE SETTLEMENT AGREEMENT, AND YOU WILL NOT BE BOUND BY ANY JUDGMENT ENTERED BY THE COURT. THIS OPT-OUT FORM MUST BE NOTARIZED OR ACCOMPANIED BY A COPY OF A PHOTOGRAPHIC IDENTIFICATION SUCH AS A DRIVER'S LICENSE OR PASSPORT AND DELIVERED BY U.S. MAIL OR BY OVERNIGHT COURIER SERVICE (NOT BY E-MAIL OR FAX) TO THE CLASS COUNSEL.

Before electing to opt-out and exclude yourself from the Class, you should read the enclosed Notice of Class Certification and Proposed \$8.5 Million Settlement of Class Action to understand the effect of either opting out of the Class or not opting out of the Class. You have the right to confer with Class Counsel or counsel of your own choosing, before executing this Opt-Out Form. If you have any questions regarding the effect of opting out of the Class or not opting out of the Class, or need any further information or assistance, please visit [www.pinkertonfinn.com](http://www.pinkertonfinn.com) or call Class Counsel at 918-587-1800.

**INSTRUCTIONS:**

1. Questions 1-6 of the Sworn Affidavit below must be answered.
2. "Proof of Purchase" (as described in Paragraph 9 of the General Instructions) of your B Bond(s) must be returned with the Opt-Out Form.
3. The Opt-Out Form and Affidavit must be signed under penalty of perjury and either notarized or submitted with photographic proof of identity, such as a photocopy of a driver's license.
4. The completed Opt-Out Form Proof of Purchase (as described in Paragraph 9 of the General Instructions) must be sent to the following address so that it is postmarked or otherwise delivered no later than **July 17, 2009**:  
  
B Bond Settlement  
Pinkerton & Finn, P.C.  
Penthouse Suite  
15 E. 5th Street  
Tulsa, OK 74103
5. You must either submit a photocopy of your driver's license or have your signature on p. 19 notarized by a Notary Public on p. 20.

**SWORN AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
 ) ss.  
 COUNTY OF \_\_\_\_\_ )

1. My name is (*first, middle, last*):

\_\_\_\_\_

2. My home address is:

\_\_\_\_\_

*Address*

\_\_\_\_\_, \_\_\_\_\_

*City, State, Zip Code*

3. My telephone number (including area code) is: \_\_\_\_\_ (*day*)  
 \_\_\_\_\_ (*evening*)

4. My Social Security number is: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Fed. Tax I.D. number is \_\_\_\_\_ - \_\_\_\_\_

5. My date of birth is: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

6. I beneficially owned during the period December 1, 1987 through July 26, 1994 the following Series of B Bonds:

PURCHASES							Date of Maturity of Bond(s) (Use Letter Code from Table below)	Maturity Value/ Face Value/Quantity	Proof of Purchase Enclosed	
Date(s) of Purchase (List Chronologically) (Month/Day/Year)										
1.			/			/		\$	Y	N
2.			/			/		\$	Y	N
3.			/			/		\$	Y	N
4.			/			/		\$	Y	N
5.			/			/		\$	Y	N
6.			/			/		\$	Y	N
7.			/			/		\$	Y	N

I sold my B Bonds during the period December 1, 1987 through July 26, 1994, inclusive. (Fill this chart in only if you sold some or all of your B Bonds between December 1, 1987 and July 26, 1994.

SALES						Date of Maturity of Bond(s) (Use Letter Code from Table below)	Maturity Value/ Face Value/Quantity		Proof of Sale Enclosed	
Date(s) of Sale (List Chronologically) (Month/Day/Year)										
1.			/				\$		Y	N
2.			/				\$		Y	N
3.			/				\$		Y	N
4.			/				\$		Y	N
5.			/				\$		Y	N
6.			/				\$		Y	N
7.			/				\$		Y	N

**TABLE FOR MATURITY DATE**

Letter Code	Stated Maturity
A	December 1, 1999
B	June 1, 2000
C	December 1, 2000
D	June 1, 2001
E	December 1, 2001
F	June 1, 2002
G	December 1, 2002
H	June 1, 2003
I	December 1, 2003
J	June 1, 2004
K	December 1, 2004
L	June 1, 2005
M	December 1, 2005
N	June 1, 2006
O	December 1, 2006
P	June 1, 2007
Q	December 1, 2007
R	June 1, 2008
S	December 1, 2008
T	June 1, 2009

1. By submitting the Opt-Out Form, I state that I believe in good faith that I am, or the person I represent is, a Class Member as defined above and in the Notice of the Proposed Settlement of the Class Action (the "Notice"), or am acting for such person that I have read and understand the Notice; and I desire to exclude myself from the Class.

2. I have set forth where requested above all relevant information with respect to each purchase or other acquisition of the subject B Bonds, and each sale, if any, of such subject B Bonds.

3. I have enclosed photocopies of the stockbroker's confirmation slips, stockbroker's statements, relevant portions of my tax returns, or other documents evidencing each purchase, acquisition, sale, or retention of the subject B Bonds in support of my claim. IF ANY SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN A COPY OR EQUIVALENT DOCUMENTS FROM YOUR BROKER OR TAX ADVISOR. THESE DOCUMENTS ARE NECESSARY TO PROVE AND PROCESS YOUR CLAIM.

4. I understand that the information contained in this Opt-Out Form is subject to such verification as the Court may direct, and I agree to cooperate in any such verification process.

5. By signing and submitting this Proof of Claim, I (or we) certify as follows:

- I (we) have read and understand the contents of the Notice and the Opt-Out Form.
- I (we) are not acting for the Trustee or the Series A Bondholders, Fourth Street Associates, Greater Southwestern Funding Corporation, or UBS Financial Services, Inc.
- I (we) owned the Bonds identified in the Opt-Out Form, or that in signing and submitting this Opt-Out Form, I (we) have the authority to act on behalf of the owner(s).

**I WANT TO BE EXCLUDED FROM THE CLASS THAT HAS BEEN CERTIFIED IN THIS LITIGATION. I UNDERSTAND THAT IF I EXCLUDE MYSELF FROM THE CLASS, I WILL NOT BE ENTITLED TO SHARE IN ANY OF THE BENEFITS OTHERWISE AVAILABLE TO ME.**

I hereby affirm and declare under penalty of perjury under the laws of the state in which I reside and the United States of America (or for person who resides outside the U.S., the laws of the country in which the person resides) that I have read and understand the contents of this Opt-Out Form and the Notice of Class Certification and Proposed \$8.5 million Settlement of Class Action, the statements made in this Opt-Out Form are true and correct, and I am over the age of eighteen (18) and am of sound mind.

I UNDERSTAND THAT BY SIGNING THIS OPT-OUT FORM I WILL NOT BE A MEMBER OF THE CLASS AND WILL NOT BE ENTITLED TO THE BENEFITS OF THE SETTLEMENT AGREEMENT.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_  
(Month/Year) (City/State/Country)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser, Executor, or  
Administrator)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser, Executor, or  
Administrator)

Use Notary below if no copy of driver's license is submitted.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_