
**IN THE IOWA DISTRICT COURT IN AND FOR LEE COUNTY
AT FORT MADISON**

TONY ROSS, et al
Individually and on behalf of all
other persons similarly situated,

Plaintiffs,

Law No. LALA003946

vs.

THOUSAND ADVENTURES OF IOWA, INC.,
and THOUSAND ADVENTURES, INC.
and

1. ALLSTATE FINANCIAL, INC.; (n/k/a Harbourton Financial Corporation)
2. TRAVEL AMERICA, INC.;
3. WESTERN AMERICAN BANK, N.A.; (n/k/a First National Bank of the Mid-Cities)
4. LIBERTY BANK;
5. 900 CAPITAL;
6. TRAVELERS ACCEPTANCE CORP.;
7. GEICO FINANCIAL SERVICES, INC.

Defendants.

FILED
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LEE COUNTY CLERK

BRIAN and TONI HAMMOND, et al
Individually and on behalf of all
other persons similarly situated,

Plaintiffs,

No. LALA004645

vs.

1. NORTHEAST NATIONAL BANK;
2. NORTHWEST NATIONAL BANK OF ARLINGTON;
3. FLORIDA ASSET FINANCING;
4. CAVALRY INVESTMENTS LLC, f/k/a ZIRMAK INVESTMENTS LP

Defendants.

**COMBINED APPLICATION TO APPROVE DISTRIBUTION OF SETTLEMENT FUNDS
AND TO APPROVE NOTICE**

COMES NOW, the Plaintiffs, by and through their attorneys, Napier, Wolf & Napier, and for their Application to Approve Distribution of Settlement Funds and to Approve Notice state to the court as follows:

1. This case was originally filed on _____.
2. This case has resulted in settlements with the following defendants:
 - a. Allstate Financial (n/k/a Harbourton Financial Corporation)
 - b. Western American National Bank
 - c. Northwest National Bank
 - d. Northeast National Bank
 - e. Great Western Bank
 - f. Mortgage Express
 - g. Cavalry Investments LLC
3. Dismissals have been granted with regard to the following defendants:
 - a. GEICO Financial Services, Inc.
 - b. Liberty Bank
 - c. Florida Asset Financing
 - d. First Savings Bank of Arlington
4. A default judgment was entered against 900 Capital.
5. Service was never obtained on Travelers Acceptance Corp. and it is believed that this corporation is defunct.
6. The net proceeds from the settlements have been placed in a separate trust account for the benefit of the class members.

7. In addition to proceeds from settlements in the above captioned matters, the class has received settlement funds through the bankruptcy proceedings of Thousand Adventures, Inc. as well as the assignment of a \$500,000 judgment against Travel America.
8. In addition to the cash proceeds received in this case, an estimated \$30,000,000.00 in debt cancellation has been obtained.
9. Although Travel America remains a defendant in this case, it has not responded to discovery requests and given that the judgment against it in bankruptcy has not been collectible, it is doubtful that much additional benefit can be obtained by pursuing it further in these proceedings.
10. There is approximately \$1,334,572.33 in settlement proceeds that need to be distributed to the class members.
11. The plaintiffs request that the court schedule a hearing to approval this application, prescribe proper notice, and to approve distribution of the settlement funds in accordance with the following Notice and Distribution guidelines.

Notice and Distribution Guidelines

12. Notice of Hearing on this Application, in the form attached as Exhibit 1, will be posted on the website of the National Association of Members (www.natlassoc.com) for a period of not less than 20 days prior to a hearing to the date and time set for hearing on this application.
13. A copy of this application will also be posted on the website.
14. Any party objecting to this application or the distribution guidelines must file their written objections at least five days prior to the hearing on this application.
15. If no objections are made, or if any objections are made but are overruled, then the funds will

be distributed as set out herein. Otherwise, as ordered by the court.

16. Upon approval by the court, a notice will be made to the members to file claim forms with class counsel. The claim form will be in the form attached as Exhibit 2. The claim form will be mailed to those members who have previously registered with the class and whose addresses have been provided to class counsel. It will also be posted on the websites of the National Association of Members (www.natlassoc.org and www.natlassoc.com) and two campground electronic bulletin boards (re.outdours.rv-travel and alt.rv).
17. Class members shall have a period of 75 days following date that all notices have been published to submit claim forms to class counsel.
18. Class counsel shall compile and verify claim forms and eliminate ineligible and/or duplicate claims. If any uncertainty exists with regard to any claim form submitted, Class Counsel will submit an application to the Court for a declaratory ruling on the eligibility of the questionable claims.
19. **Distribution Formula** - Plaintiffs propose that the settlement proceeds be distributed in the following manner:
 - a. All eligible claims shall be catalogued and numbered (by Bates Stamp or other means).
 - i. Any campground member who has opted out of the class action lawsuit or any of the settlements, shall not be eligible to share in the proceeds.
 - ii. Any member who sold their campground membership before July 1, 1997 shall be ineligible to share in the proceeds.
 - iii. Any member who does not provide a complete mailing address or TAI

member number will not be eligible to share in the proceeds.

- b. Plaintiffs' counsel proposes that an additional \$2,500 be distributed to Tony Ross, and an additional \$2,500 to Brian and Toni Hammond as the primary named class representatives who have assumed personal risk to be named class representatives, have personally appeared in these proceedings and have had a substantial amount of involvement in this case which has inured to the benefit of all remaining class members.
- c. The net settlement fund (SF), less a reserve for the costs associated with notice, postage and processing the claims, and amounts allowed for the named representatives (collectively "PC"), shall serve as the numerator.
- d. The total number of eligible claims (EC) shall be the denominator. Each membership constitutes "one member" so a couple owning a joint membership shall be counted as "one" for purposes of this equation.
- e. The amount paid ("A") to each eligible claimant shall be arrived at by dividing the total number of eligible claims into the net settlement fund (SF-PC), with the following formula being applied:

$$A = (SF - PC) / EC$$

(For example, if there are 10,000 eligible claimants and the estimated processing costs are \$47,500, then the amount paid to each claimant would be:

$$(\$1,334,572.33 - \$47,500) / 10,000 = \$128.70$$

- f. The estimated costs of notice, postage, and processing is \$4.75 per claim.
20. Once the period for submitting claims has expired and the number of eligible claims have

been confirmed, Class Counsel shall cause checks to be issued to each eligible claimant in the amount set out above. The checks will be negotiable for a period of 90 days.

21. **Cy Pres Distribution** - Any checks which remain uncashed after 90 days will be void and the sums represented by those checks will be deposited back into the class trust account. All unused funds or unclaimed funds, including funds from checks that were not cashed, shall be paid to the non-profit organization National Association of Members for educational and charitable purposes on behalf of campground members and recreational vehicle owners.
22. Upon final distribution of funds, a final report and summary shall be submitted to the Court and an order closing the file can be entered.



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doug4law@aol.com

ATTORNEY FOR THE CLASS

NOTICE OF DISTRIBUTION AND CLAIM PROCEDURE

TO ALL MEMBERS AND FORMER MEMBERS OF THOUSAND ADVENTURES, INC. , and each subsidiary

This notice is to inform you that an application is on file in the Iowa District Court in and for Lee County at Fort Madison to approve a method of distributing settlement proceeds in connection with a national class action lawsuit filed on behalf of all members and former members of Thousand Adventures, Inc. and its subsidiary corporations. The purpose of the application is to establish a means of distributing approximately \$1,300,000.00 in settlement proceeds to the members of the class and to establish deadlines to object to the distribution method. A full copy of the Application can be found at www.natlassoc.com .

A brief summary of the application is as follows:

1. Following approval of the notice provisions and the distribution formula, notice will be posted inviting campground members to file a Claim Form with class counsel.
2. The members will have 60 days to file the Claim Form to be eligible to share in the settlement.
3. The Claim Form will verify the member's address, phone number, TAI member number and other relevant information.
4. Any member who has previously opted out of the Class Action lawsuit will not be eligible to share in the proceeds.
5. Any member who has sold their campground membership shall not be eligible to share in the proceeds.
6. At the end of the Claims Period, the total number of eligible members will be tabulated. The net settlement fund will be divided equally among all eligible members - "share and share alike". (Each membership constitutes "one member" so a couple owning a joint membership shall be counted as "one" for purposes of this equation.)
7. Checks will be mailed to the eligible members and the members and they will have 90 days to cash the settlement check.
8. Any residual funds, including unclaimed amounts, returned checks, or uncashed checks, shall be paid to the National Association of Members for educational and charitable purposes on behalf of campground members and owners of recreational vehicles.

A hearing on this Application is set for December _____, 2006 at _____ a.m. CST at the Lee County Courthouse at Fort Madison, IA. If you wish to object you must do so in writing by December ____, 2006 by filing your written objection with the Clerk of Court and serving a copy upon counsel for the class: Douglas H. Napier, 607 8th Street, Ste. One, Fort Madison, IA 52627

THOUSAND ADVENTURES CLASS ACTION CLAIM FORM

Instructions:

1. Fill out form completely and legibly.
 - a. Fill out all items marked with an asterisk (*) as these are NOT optional. The failure to fill out these blanks will make you ineligible for a share of the settlement.
 - b. It is important that you submit a complete and accurate postal address for delivery of your check.
2. You do NOT need to send any copies of your membership card, contract, etc. so long as you write your membership number on this form. However, you may be contacted to verify your membership if our records don't match yours.
3. Return this form to the address at the bottom POSTMARKED NO LATER THAN FEBRUARY ____, 2007 or fax to 319-372-6764.
4. Keep a copy of your completed form for your records.
5. Check www.natlassoc.com for announcements, updates and notice of checks being mailed.

* Name(s) on membership _____

* Membership Number: TAI- _____

* Your name (to be used on check) _____

* Relationship to member (if you are not the original member (heir, son, daughter, purchaser, etc.):

* Address _____ State ____ Zip _____

* Phone number (_____) _____

E-mail address (optional) _____

Additional notes:

Mail to: NAPIER, WOLF & NAPIER
TAI Settlement Claim Processing
607 8th Street
Suite One
Fort Madison, IA 52627-2805

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DEPT. OF COURT
LEE COUNTY, IOWA
CLERK

ORDER PRESCRIBING NOTICE AND SETTING HEARING ON
APPLICATION TO APPROVE DISTRIBUTION OF SETTLEMENT FUNDS

NOW ON THIS 17th day of November, 2006, the Court has before it a Combined Application to Approve Distribution of Settlement Funds and to Approve Notice.

The Court, having reviewed the pleadings and being familiar with this case FINDS that the Application shall be set for hearing on December 8th, 2006 at 11:45 a.m/p.m. (CST) at the Lee County Courthouse at Fort Madison. Notice, as proposed in the Application, is approved and is hereby prescribed by the Court. Notice shall be published on the website of the National Association of Members (www.natlassoc.com) together with a copy of the Application no less than 20 days from the date set for hearing.

Any party who wishes to object to the Application must submit their objection in writing and file their objection with the Clerk of Court for Lee County at Fort Madison and serve a copy on the Class Counsel. If no objections are filed, the Court may waive the hearing and enter a Final Order approving the distribution procedure set out in the application.


Judge Cynthia H. Danielson