

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR POLK COUNTY
CIVIL DIVISION**

NORMAN GUNDEL, WILLIAM MANN,
and **BRENDA N. TAYLOR**, individually
and on behalf of all similarly situated persons,

Case No.: 17-CA-001446

Plaintiff,

vs

Division: 11

AVATAR PROPERTIES, INC.,

Defendant.

PLAINTIFFS' NOTICE OF FILING

Plaintiffs, on behalf of the Solivita Class, hereby files the Declaration of Eric J. Miller regarding class data.

[Attorney's signature appears on the following page.]

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the foregoing has been Electronically served through Florida Courts E-filing portal to all counsel of record, on this 6th day of December 2024.



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NORMAN GUNDEL, WILLIAM MANN,
and **BRENDA N. TAYLOR**, individually
and on behalf of all similarly situated persons,

Plaintiffs,

vs

Case No.: 17-CA-001446

Division: 11

**AV HOMES, INC., and AVATAR
PROPERTIES, INC.,**

Defendants.

**DECLARATION OF ERIC J. MILLER REGARDING
CLASS DATA**

I, Eric J. Miller, declare as follows:

1. I am the Senior Vice President of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data") with its principal offices in Milwaukee, Wisconsin. My business address is 5080 PGA Blvd, Suite 209, Palm Beach Gardens, FL 33418, and my telephone number is 561-336-1801.

2. This declaration (the "Declaration") is based upon my personal knowledge and information provided by my associates and staff. I am over 24 years of age and am not a party to this action.

3. Pursuant to the Court's Order Appointing Class Administrator, Class Counsel and Approving Class Notice dated April 3, 2020, A.B. Data was appointed as Class Administrator in the above captioned action (the "Action"). As Class Administrator, A.B. Data has, among other

things: (i) mailed the Class Notice to potential class Members, (ii) created and maintained a toll-free helpline for inquiries during the course of the administration, (iii) created and maintained a website and posted case-specific documents on it, (iv) received and processed exclusion requests, and (v) received and processed payment records received from the Defendant.

NOTICE EFFECTUATION

4. On or about March 31, 2020, A.B. Data received a copy of the Class Notice (the “Notice”) and formatted the document for printing. A true and correct copy of the Notice is attached hereto as Exhibit A.

5. On or about March 31, 2020, A.B. Data received the class data files including names and addresses of class members provided by the Defendant, Avatar Properties, Inc.

6. A.B. Data electronically processed the data file into a secure segregated database, removed any duplicate data, and formatted a data set resulting in 6,490 unique records for mailing (the “Initial Mailing List”).

7. As previously reported in the Declaration of Eric J. Miller Regarding Mailing of Class Notice and Report on Requests for Exclusion dated January 13, 2021 (the “Notice Declaration”), on April 14, 2020 and August 14, 2024, A.B. Data caused the Class Notices to be personalized, printed and mailed to individuals identified in the class data files received from the Defendant via First-Class Mail, postage prepaid.

WEBSITE AND TOLL-FREE NUMBER

8. As further discussed in the Notice Declaration, A.B. Data established the case-specific website, www.SolivitaClassAction.com, case-specific toll-free number, 1-800-494-9209 for this Action. A.B. Data has continued to post additional Court filings as they become available

and provide additional updates for class members. In addition, A.B. Data's customer service representatives have been provided with updates to reply to class member inquiries.

CLASS MEMBER DATA

9. A.B. Data received records from the Defendant that contained the transaction histories of class members, including the name, address and account number of the class member, the transaction dates, a description of the transaction, and the amounts billed and paid. These statements were provided in PDF format.

10. Upon receipt, the information from the spreadsheets was extracted from the PDF files and loaded into a database for further processing and calculations.

11. A.B. Data reviewed the data to locate records for individuals that requested exclusion from the Class and flagged the records in the database so as not to include these records from any payments. In addition, A.B. Data flagged records where the potential class member was included in the transactional data but either had no Club Membership Fee charges or did not pay their Club Membership Fee charges.

12. Throughout the years and changes in management companies, the titles on the accounts and account numbers changed so A.B. Data developed processes to combine records so that each class member's transactions were combined into one record in the database. Class members that owned multiple properties were not combined so that each property has its own record.

13. A.B. Data further analyzed the data to identify any gaps or overlap in the records (*i.e.* where an individual property had missing monthly Club Membership Fee charges or more than one monthly Club Membership Fee charge in a single month). A.B. Data worked with Plaintiffs' Counsel and Defendants' Counsel to correct the data as needed. A.B. Data also provided

examples of records that contained gaps and were identified as potentially missing transactional data to Defendants' Counsel for review. Because the gaps may be the result of a change in ownership not reflected in the data, A.B. Data is unable to determine the amount of missing transactional data or the total value. Defendants' Counsel has not been able to obtain additional information to determine if the gaps in the data are correct or the result of missing transactions.

14. In addition, A.B. Data provided to Lead Plaintiffs reports on the Class Membership Data for their review due to their ability to review their own transactional history along with the transactional information of other class members that they are familiar with for accuracy. One of the Lead Plaintiffs identified within their transactional history a discrepancy between when they purchased their home and how the Club Membership Fee charges were reflected in the transactional data.

15. A.B. Data developed a calculation module to calculate the total amount of Club Membership Fee charges and applicable taxes plus statutory interest from the date of payment. A.B. Data's Quality Assurance Team reviewed and tested the calculation module.

16. At the conclusion of the analysis, A.B. Data has created a database of 10,947 records. Of these 10,947 records, 1,012 records did not include payments for Club Membership Fee charges and 89 records were for individuals that requested exclusion from the Class.

17. A.B. Data provided reports during this process for review by Plaintiffs' Counsel and Defendants' Counsel. Lead Plaintiffs were also provided reports for their review.

18. Due to the discrepancies in the transactional data, and after consultation with Class Counsel, A.B. Data believes additional steps are necessary to verify the Class Membership prior to distribution. A.B. Data recommends mailing each class member a report of their transactional data for review along with a letter requesting that any class member that disputes the transactional

data may submit documentation for review. A.B. Data will review and process any responses in consultation with Plaintiffs' Counsel and Defendants' Counsel and make any necessary corrections. An example of the letter and transactional report are attached hereto as **Exhibit A**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of December 2024, Palm Beach Gardens, Florida.



Eric J. Miller

EXHIBIT A

AVATAR CLASS ACTION
C/O A.B. DATA, LTD.
PO BOX 170500
MILWAUKEE, WI 53217

{Claim Number}
{Name And Address}

DATE: {PostmarkDate}
RE: Solivita Class Action
CLAIM NUMBER: {ClaimNumber}
RESPONSE DEADLINE: {ResponseDeadline}

Dear Claimant:

We have processed the transactional data received from the Defendant, Avatar Properties, Inc., related to Club Membership Fees you paid during the period of April 26, 2013 through November 30, 2024.

Please carefully review the attached Appendix A. Appendix A includes the name we will use on the distribution check and your mailing address. Appendix A also lists the Solivita address associated with the Club Account for this Claim Number, Club Membership Fees paid by you and the payment dates.

If you agree with the information contained in Appendix A, you do not need to do anything further. Any distribution you are entitled to will be issued to the name and address listed.

You must contact the Claims Administrator by letter at AVATAR CLASS ACTION, C/O A.B. DATA, LTD., PO BOX 170500, MILWAUKEE, WI 53217 or by email at info@SolivitaClassAction.com no later than Month 00, 2025. Please reference the Claim Number listed above in any communication:

1. If you disagree with the transactional information. Your letter or email must describe the discrepancy along and include documentation supporting the amount you believe is correct.
2. To request a name change to which the check will be issued. Name changes require supporting documentation. For example, if the Class Member is deceased, Letters of Administration from an estate.
3. To request a change to the address where the check will be mailed. Address changes require supporting documentation. For example, a copy of a utility bill in the name of the Class Member showing the new address.

If you have any questions about this notice or if you want to confirm the status of your Claim after you submit a response to this notice, please contact us at 1-800-494-9209 or email us at info@SolivitaClassAction.com. Please reference the Claim Number listed above in any communication.

Sincerely yours,

A.B. DATA, LTD.
Claims Administrator

Appendix A

Name
Street Address
City, State 00000

Your payment will be issued to the name and address above. Please contact the Claims Administrator with any changes to this information.

CLAIM NUMBER 000000

SOLIVITA ADDRESS: _____

Account Number	Charged Date	Paid Date	Amount

TOTAL PAID CLUB MEMBERSHIP FEES AS REPORTED: \$ 00000000