

## **A COURT AUTHORIZED THIS LEGAL NOTICE**

*Our records reflect that you paid a fee for and/or received Medicaid planning services provided by Richard Hicks, Elder Advisory Services, Elder Advisory Services, LLC, Elder Tax Advisory Group and Elder Tax Advisory Group, LLC. The services could have been an application for Medicaid benefits or the preparation of a power of attorney, trust or deed to property. If so, you could be entitled to a refund.*

### **This notice provides information regarding a proposed class action settlement.**

A settlement has been reached in a class action lawsuit filed by Val & Joy Ryan against Peter G. Milne; Peter G. Milne, P.C.; Healy, Milne & Associates, P.C.; Elder Advisory Services; Elder Tax Advisory Group; Elder Advisory Services, LLC; Elder Tax Advisory Group, LLC and Richard Hicks. The Ryans allege that Hicks engaged in the unauthorized practice of law and provided Medicaid planning services in violation of a Court order. The Ryans also allege that Hicks defrauded them of \$300,000.00 in connection with the sale of alleged interests in National Note of Utah. The Ryans contend that Milne and his law firms are legally responsible for Hicks because he was their employee or partner. The case is No. 2013-243 styled, *Val & Joy Ryan v. Peter G. Milne, et al.*, in the 4th Judicial District Court of Rusk County, Texas. The Defendants deny the Ryans' allegations of wrongdoing and legal responsibility for the Hicks Defendants' conduct. The Hicks Defendants contend that any securities fraud was perpetrated only by Wayne Palmer and Julieann Palmer Martin of National Note of Utah. The Defendants have agreed to settle the lawsuit solely to avoid continued litigation.

### **WHO IS A SETTLEMENT CLASS MEMBER?**

You may be a Settlement Class Member if you paid a fee for and/or received Medicaid planning services provided by Richard Hicks, Elder Advisory Services, Elder Advisory Services, LLC, Elder Tax Advisory Group and/or Elder Tax Advisory Group, LLC on or after January 1, 2005. You may have paid the fees directly to Hicks or his companies or indirectly by paying Peter G. Milne, P.C. or Healy, Milne & Associates, P.C.

### **SETTLEMENT TERMS**

Defendants will pay \$115,000.00 into a Settlement Fund from which the parties will ask the Court to approve payment of up to (1) \$38,333.33 to eligible Settlement Class Members who submit a valid claim form; (2) \$38,333.33 for Class Counsel's attorney's fees and expenses and (3) \$38,333.33 to Val & Joy Ryan for their fraud claims against Hicks arising out of the sale of alleged interests in National Note of Utah. Defendants will also reimburse Class Counsel its fees and expenses incurred in connection with the administration of this settlement up to \$15,000.00. The amount of your refund will depend on the number of valid claims received. If the amount of valid claims exceeds \$38,333.33, the funds will be distributed on a *pro rata* basis to Settlement Class Members who file timely, valid claims. If the valid claims do not exceed \$38,333.33, all claims will be paid in full and any remaining funds will be distributed to Val & Joy Ryan. If both the person receiving services from the Hicks Defendants and the person who paid the fee file valid claims, the refund shall be paid to them jointly and delivered to the address of the person who paid

the fee, or his or her authorized representative. All refunds owed to any deceased Settlement Class Member shall be paid to his or her estate and delivered to the representative making the claim on their behalf.

### **YOUR RIGHTS & OPTIONS**

**Request a Refund.** To receive a refund, you must complete and return a valid Claim Form. If you are still represented by Peter G. Milne or his law firm, you must also waive any conflict of interest related to your participation in the settlement.

**Request to be Excluded.** To exclude yourself from the Settlement and keep your right to sue Defendants, you must indicate on the Claim Form that you wish to be excluded. If you do so, you will not receive any payments from this settlement. If you do not exclude yourself, you will be bound by the Settlement and give up your rights to sue regarding the settled claims.

**Object.** If you do not exclude yourself, you may object to the proposed settlement. Objections must be in writing, signed and filed with the Clerk of the Court at 115 North Main Street, Henderson, Texas 75652. You must state the reasons for your objection and attach all evidence you wish the Court to review. The Court will consider your objection at the final hearing. If you timely object, you must also file a written notice of intention to appear. You must also send a copy of your objection, supporting documentation and notice of intent to appear to Class Counsel and Counsel for the Defendants. If the Court overrules the objections to the proposed settlement, you will be bound by the Settlement Agreement.

The deadline to request a refund, request to be excluded or file an objection and written notice of intention to appear is **JUNE 5, 2017**. You may download the claim form at [www.JamesHolmesLaw.com](http://www.JamesHolmesLaw.com). You may also request a claim form by sending an email to [jh@jamesholmeslaw.com](mailto:jh@jamesholmeslaw.com) or calling (903) 657-2800. You must return the completed Claim Form or request for exclusion to Class Counsel *via* email or U.S. mail to 212 South Marshall, Henderson, Texas 75654 on or before **JUNE 5, 2017**.

**Do Nothing.** If you do nothing, you will not receive any monetary award and will lose the right to sue regarding any issues related to this action. You will be considered part of the Settlement Class, and you will be bound by the Court's decisions.

**Attend the Final Approval Hearing.** The Court has set a final hearing at 9:30 a.m. on **SEPTEMBER 15, 2017** to decide whether the proposed settlement should be approved. The hearing will be held at the Rusk County Courthouse located at 115 North Main Street in Henderson, Texas. At this hearing, the Court will also consider Class Counsel's application for fees and reimbursement of expenses. This application will be posted on Class Counsel's website on or before **SEPTEMBER 4, 2017**.

**CLASS COUNSEL**

**Mr. James Holmes  
THE LAW OFFICE OF JAMES HOLMES, P.C.  
212 South Marshall  
Henderson, Texas 75654**

**DEFENDANTS' COUNSEL**

**Mr. Forrest Mays  
THE PARKER FIRM, P.C.  
3808 Old Jacksonville Road  
Tyler, Texas 75701**

*This Notice is only a summary. Complete details describing your rights and options can be found in the Settlement Agreement which is on Class Counsel's website at [www.JamesHolmesLaw.com](http://www.JamesHolmesLaw.com).  
Please do not contact the Court.*