

**PERRINE DUPONT SETTLEMENT CLAIMS OFFICE
ATTN: EDGAR C. GENTLE, CLAIMS ADMINISTRATOR
C/O SPELTER VOLUNTEER FIRE DEPARTMENT OFFICE**

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October 7, 2016

2016 OCT 11 P 4: 18
FILED IN 15TH
CIRCUIT COURT

**CONFIDENTIAL
VIA HAND DELIVERY**

The Honorable Thomas A. Bedell
Circuit Judge of Harrison County
301 West Main Street, Room 321
Clarksburg, West Virginia 26301

Re: The Perrine DuPont Settlement Remediation Program (the "Remediation Program") - Supplement to October 4, 2016 Report Respecting Wrap-Up Matters Under the Court's July 13, 2016 Dividend Order and August 19, 2016 Amendment to Dividend Order ("Wrap Up Matters"); Our File No. 4609-1 {DD-89}

Dear Judge Bedell:

I hope this letter finds you well.

The purpose of this Report is to supplement our previous October 4, 2016 Report on Wrap Up Matters, by providing supplemental information on 2 of the 4 Wrap Up Matters.

III. Repair of the Church Alley

On October 5, 2016, we had a Town Meeting with Claimants with property adjoining the Church Alley, in an effort to resolve this issue. The meeting was well attended, and we have reached a tentative agreement. We therefore request that this matter be removed from the agenda for the October 12, 2016 hearing, and we update the Court on its status in the near future.

IV. Requested Direction from the Court on Claimant Dividend Payment Issues

According to the Dividend Order, in order to be eligible to receive a dividend payment, you must either be a participating¹ claimant² or a non-participating¹ claimant. Participating claimants in

¹Participating means the Claimant participated in the Remediation Program, and non-participating means the Claimant did not.

²Claimant means a Settlement Remediation Class Member.

Zone 1A are entitled to a double share, while participating Claimants in Zones other than 1A are entitled to one share. Non-participating Claimants are entitled to a one-fifth share, no matter what Zone their property is located in. Furthermore, the Dividend Order states that the share distributions to be paid will be paid on a per claimant unit basis, regardless of the number of properties owned by each claimant unit.

The participating claimants are defined on page 2 of the Dividend Order as the 992 properties that participated in the Property Remediation Program, and the nonparticipating claimants are defined on page 2 of the Dividend Order as the 235 properties which, at the option of their claimant owners, did not participate in the Property Remediation Program.

In order to carry out the Dividend Order uniformly and fairly, we propose to clarify the payment definitions as follows:

A. **Claimant Units**

1. The share distribution shall be paid per claimant unit, regardless of the number of participating or nonparticipating properties owned by each claimant unit. A claimant unit is further defined as the same group of individuals. An individual that owns multiple properties with multiple claimant units could therefore receive more than 1 share.
 2. Payments are distributed by claimant unit, but shares are calculated based on whether a claimant unit owned a participating or nonparticipating property, with participating properties taking precedence when a claimant unit owns more than one property, as those shares, defined below, are larger.
- B. A participating property is defined as one of the approximately 992 properties that participated in the Property Remediation Program. A property participated in the Remediation Program if a claim form was filed, the property (house or soil) was tested, and either (i) it tested clean and was paid; or (ii) it tested with remediation levels of heavy metals and was subsequently remediated.
- C. A nonparticipating property is defined as one of the approximately 235 properties which, at the option of their claimant owners, did not participate in the Property Remediation Program. A property is a nonparticipating property if a claim form was filed, the property tested with remediation levels of heavy metals, and it was **not** remediated.

- D. Participating properties, defined above, that are house-only properties, in the outer, non 1A Zones, shall each receive one share.
- E. Zone 1A participating properties, defined above, that had both a house and a soil property shall receive a double share, compared to participating house only properties in the outer zones.
- F. Nonparticipating properties, defined above, shall each receive a one-fifth share, no matter what Zone they are in.
- G. For payment purposes, a dividend payment attributed to a property that has not been sold from the time the Remediation Program began on November 1, 2011, until the date of the Dividend Order (July 13, 2016), shall be distributed to the claimant unit that owns it as of the date of the Dividend Order. A claimant unit shall include the heirs or Estate of a deceased claimant who owned the property at November 1, 2011 and departed this life prior to the date of the Dividend Order. If the property has been sold between November 1, 2011 and the date of the Dividend Order, the distribution of the dividend is described in the next paragraph.
- H. The dividend pertaining to properties sold between November 1, 2011 and the date of the Dividend Order shall be distributed as follows:
 - 1. For participating properties, defined above, 20% of the surplus share shall be paid to the owners of the property at the time of the initial 20% annoyance and inconvenience payment, and 80% of the surplus share shall be paid to the owners of the property at the time of the second/final 80% annoyance and inconvenience payment. If a property was subsequently sold after the 80% annoyance and inconvenience payment, any owners after that date are not entitled to any share of the surplus.
 - 2. For nonparticipating properties, defined above, 20% of the one-fifth share shall be paid to the owners of the property at the time the property was tested for contaminants and the initial 20% annoyance and inconvenience payment was made, and 80% of the one-fifth share shall be paid to the owners as of the date of the Dividend Order. If the property was subsequently sold after the date of the Dividend Order, any owners after that date will not be entitled to a share of the surplus.

During the course of our evaluation of the participating and nonparticipating properties and in preparation for calculating the dividend distribution, we encountered some issues regarding what

properties would or would not qualify for a dividend distribution, as well as some assumptions we felt were necessary to streamline surplus dividend check issuance procedures.

We therefore propose to use the following guidelines in classifying a property, and in issuing the dividend payments:

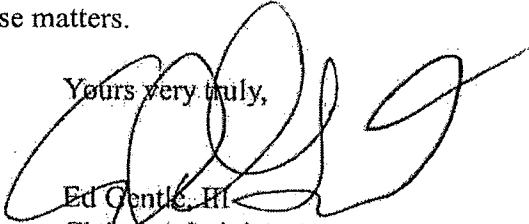
I. **Settlement Eligibility and Payment Parameters**

1. Claims filed for a house and/or soil property would not qualify for a dividend if the property (i) is out of the Class Area; or (ii) is subject to the Grasselli deed exclusion; or (iii) is publicly owned; or (iv) is denied eligibility by the Court; or (v) is not tested during the pre-remediation phase; or (vi) is inaccessible for pre-remediation testing or remediation; or (vii) is claimed only by a person who is not the owner of the property. Also, for house only properties, the property would not qualify for participation if there was no structure on the property, or the structure is uninhabitable, including garages, hunting cabins and any other structures not fit for human occupancy.
2. Dividend payments to all claimant units would be paid in the same manner in which the original annoyance and inconvenience payments were issued. E.g. , if the annoyance and inconvenience payment was paid jointly to a husband and wife, then the dividend payment would be also. For known deceased payees, the Estate or the heirs would receive their payment.
3. For nonparticipating properties that have new owner claimant units as of the date of the Dividend Order, their share will be issued according to deed ownership records.

In an effort to fully illustrate the definitions and parameters set out above, we have attached, in Attachment B, tables that set out the dividend calculation parameters, and examples reflecting the application of those parameters for the Court's review.

We appreciate your consideration of these matters.

Yours very truly,


Ed Gentle III
Claims Administrator

ECGIII/kah

Attachments: Attachment A: July 13, 2016 Dividend Order and August 19, 2016
Amendment to Dividend Order
Attachment B: Propose Surplus Dividend Calculation Parameters and
Illustrations

October 7, 2016

Page 5

cc: (confidential)(via email)(with attachments)

Virginia Buchanan, Esq.

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Jennifer L. Blankenship, Esq.

Ms. Jennifer Newby, CPA

Mr. Paul Emerson

Ms. Christy Mullins

Ms. Sarah Cayton

ATTACHMENT A

remaining \$10,000 that is not spent on the tanks be invested into a UTV side-by-side for the department. A quote for the UTV from the Spelter VFD is in Attachment 3 to the Claims Administrator's August 18, 2016 Report.

The August 18, 2016 Report and this Order were shared with Counsel and no objections were received.

After a careful review of the facts of these matters and based upon the foregoing Report, and all other matters and things which the Court deems to be appropriate, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Court Approves the modification to purchase the air tanks and the accompanying air equipment that goes with the air tanks (approximately \$30,000), and to use the remaining \$10,000 to purchase a side-by-side UTV for the department; and
2. Provided that the Claims Administrator and his staff act substantially in accordance with the Court's Orders on these matters, the Claims Administrator and his staff are granted judicial immunity.

Lastly, pursuant to Rule 54(b) of the West Virginia Rules of Civil Procedure, the Court directs entry of this Order as a Final Order as to the claims and issues above upon an express determination that there is no just reason for delay and upon an express direction for the entry for judgment.

IT IS SO ORDERED.

The Clerk of this Court shall provide certified copies of this Order to the following:

David B. Thomas, Esq.
James S. Arnold, Esq.
Thomas Combs & Spann, PLLC
P. O. Box 3824
Charleston, WV 25338
DuPoni's Finance Committee Representative

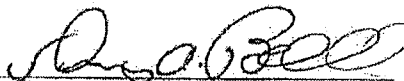
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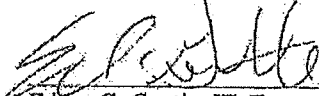
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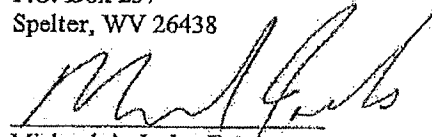
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ENTERED this 19 day of August, 2016.


Thomas A. Bedell
Circuit Judge of Harrison County,
West Virginia

This Order Prepared By:


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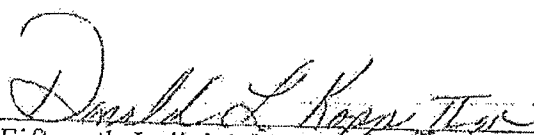

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STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT:

I, Donald L. Kopp II, Clerk of the Fifteenth Judicial Circuit and the 18th
Family Court Circuit of Harrison County, West Virginia, hereby certify the
foregoing to be a true copy of the ORDER entered in the above styled action
on the 19 day of August, 2016.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 19 day of August, 2016.


Fifteenth Judicial Circuit & 18th Family Court
Circuit Clerk
Harrison County, West Virginia

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

LENORA PERRINE, et al.,

Plaintiffs,

v.

Case No. 04-C-296-2
Judge Thomas A. Bedell

E. I. DUPONT DE NEMOURS &
COMPANY, et al.,

Defendants.

FINAL ORDER DETERMINING THE USE AND DISTRIBUTION OF THE
REMEDATION FUND SURPLUS

Presently before the Court is the issue of the fair and equitable use and distribution of the projected remaining funds in the Property Remediation Qualified Settlement Fund (the "Property QSF"), with the Claims Administrator having submitted a winding-up projected budget, and the surplus being projected to remain upon the completion of the remaining aspects of the Settlement Property Remediation Program, in late 2016 or early 2017. The Claims Administrator, Ed Gentle, filed a Report with the Court on this matter on June 15, 2016, which is incorporated by reference and made part of the record herein.

The Property Remediation Program is expected to be completed in late 2016 or early 2017, with remaining repairs resulting from the Remediation Program to be conducted on claimant properties, and previously approved road repairs to be conducted in Zone 1A due to the use of heavy equipment in the area during the past four (4) years for soil remediation. Also to be performed are Zone 1A infrastructure improvements described below. After the completion of these final measures of the Remediation Program, the Claims Administrator projects that there is a surplus in the Property QSF of approximately \$4 million.

Out of the 1,227 Property Remediation claims filed with the Claims Administrator and approved, approximately 992 properties participated in the Property Remediation Program (the "participating claimants"), while approximately 235 properties, at the option of their claimant owners, did not participate (the "nonparticipating claimants").

To fairly notice the Property Remediation Class of the surplus and possible uses of the surplus, the Claims Administrator conducted a multi-step process, beginning with inviting all participating claimant Class Members to a series of public Town Hall Meetings to gather their input and opinions. After the Town Hall Meetings, which were conducted in March 2016, the Claims Administrator developed a detailed questionnaire describing the available options for use of the surplus, which was mailed to the 992 participating claimants on May 26, 2016.

As of the June 8, 2016, response deadline for the questionnaires, 281 families responded and provided their opinions and votes, which are tabulated and described in the Report.

The Court set a public Fairness Hearing for June 22, 2016, at 8:30A.M., and the participating claimants received written notice of the hearing, together with the questionnaire results. The hearing was timely held to allow presentation of the issues related to the use and distribution of the surplus to the Court, and to allow any interested participating claimants to state their positions and concerns to the Court.

The following individuals attended the hearing: Ed Gentle, the Claims Administrator; Meredith McCarthy, Esq., as guardian *ad litem* and proxy for Class Counsel; Jim Arnold, Esq., telephonically, as counsel for DuPont; Michael Jacks, as local counsel for the Claims Administrator; Settlement Remediation Supervisor Paul Emerson; Settlement Staff members Christy Mullins and Sarah Cayton; Settlement Scientific and Technical Remediation Advisor Marc Glass; and Remediation Contractor, NorthStar Demolition and Remediation d/b/a NCM,

employees Stan Keifer and Tom Archer. Additionally, approximately 40 claimants appeared at the hearing, and seven claimants voiced their opinions on the matter, as summarized herein.

The salient issues presented to the Court are identified below:

- 1) Should the additional claimant requested Zone 1A (infrastructure repairs, identified in Question A of the Report, be conducted and paid for out of surplus funds?
- 2) Should claimants living in Zone 1A, who had residential soil remediation as well as residential house remediation, receive a larger share of the surplus than claimants in the outer zones, who only received house remediation? A related issue is whether a Zone 1A claimant should receive one share of the dividend for the soil, and a second share of the dividend for the house, or only one share for the entire property.
- 3) Should surplus shares be divided per claimant or per property? For example, if one claimant owns three Class Area properties, should the claimant receive three shares or one share or should a compromise method be used?
- 4) Should claimants who were eligible to participate in the Remediation Program and who successfully completed and submitted a Property Claim but who then elected not to participate in the Remediation Program (the nonparticipating claimants) receive a share of the surplus?

The following claimants spoke at the hearing, and their input is summarized below.

Shafter "Bud" Drummond spoke, and noted that he is a lifelong resident of Spelter, and a retired volunteer Fire Fighter. Mr. Drummond requested that a small portion of the surplus be used to benefit the Spalter Volunteer Fire Department. Mr. Drummond noted that the Spalter Volunteer Fire Department is currently faced with an expense of approximately \$40,000 to

purchase new air tanks, and Mr. Drummond requested that adequate surplus funds be estimated for this expense.

Trudy Heil spoke, and requested that a portion of the surplus funds be used to drain surface water that is pooling behind her property, located in Eire, where soil remediation was conducted.

Athal Canaday spoke, and he also requested that the surface water pooling behind his property, which is adjacent to Ms. Heil's, be corrected with surplus funds. The Claims Administrator noted that Mr. Canaday's concerns are set for a separate hearing specific to his property on July 27, 2016, so they will not be addressed in this Order.

Albert Sheaffer spoke, and noted that he is also lifelong Spelter resident, and former employee of the zinc plant. Mr. Sheaffer noted that of the approximately 40 claimants in attendance, 4 were using breathing equipment for supplemental oxygen, and he requested that long term residents of the Class Area, particularly Zone 1A, receive a greater share of the surplus due to the claimed greater impact of the zinc plant on their lives and properties.

Jerry Stevens spoke, and he thanked the remediation crews and the Court, and suggested that a greater portion of the surplus go to the claimants who had lived in the Class Area the longest, and therefore were most impacted. The Court noted, in a moment of levity, that this approach would require inquiring into the age of all of the ladies in the Class Area, a task in which Mr. Stevens wisely declined to participate. The Court also finds that this suggested approach is impractical, as the surplus is from a Remediation Fund and not a Personal Injury Fund.

Shawn Shingleton, another lifelong Spelter resident, spoke, and he suggested that claimants from Zone 1A receive double shares of the surplus, due to the claimed larger impact of

the remediation process on their lives during the past four years. Mr. Shingleton noted that he was relocated for more than three weeks to allow his property to be remediated, and indicated that he has ongoing issues with the new sod on his property, which the Claims Administrator is addressing through separate proceedings. The Court therefore will not address the sod issue in connection with Mr. Shingleton's property in this Order.

Frank Tate, another Spelter resident, spoke, and he thanked the clean-up crews for their efforts. Mr. Tate suggested that distribution of the surplus should go to those who lived in the area the longest, and to those who lived in Zone 1A, and were impacted the most. Mr. Tate also voiced his opinion that the State was responsible for repairing the roads, not the Settlement. The Claims Administrator noted that the Court has already approved a Road Improvement Program to ensure that the Remediation Program leaves the roads in Zone 1A as good as they were found, with such road repairs being standard in similar Remediation Programs.

The Court has carefully reviewed the documents and questionnaire results in the Report, and the other relevant submissions of the Claims Administrator. The Court further thanks the Class Members for their opinions and input into these important matters, which are a great benefit to the Court, and which were carefully considered by the Court.

The Court notes that the law as to the distribution of residual funds in a class action case is generally governed by the *cy pres* doctrine, which literally translates to "as nearly as possible" to the original purpose of the funds, and shares principles with the distribution of funds in estate matters, sometimes referred to as equitable reformation or equitable approximation. *Berry v. Union National Bank*, 262 S.E.2d 766 (W.Va. 1980). See also, Ed Gentle, *The Cy Pres Distribution of a Class Action Recovery Surplus: Equity or Inequity?*, 66 Alabama L. Rev. 1 On-Line (2015).

The Court has also been advised by the Claims Administrator that some of the properties subject to the Remediation Program, both those owned by participating claimants and those owned by nonparticipating claimants, have been sold during the course of the Remediation Program. It is therefore appropriate to determine the relative rights of former and current owners of such properties to the surplus.

After a careful review of the facts of the matter and of the pertinent law, the Court hereby **ORDERS** that the Claims Administrator apply the following rulings to the distribution of the surplus:

- 1) The additional road and infrastructure repairs and modifications described in the Report and questionnaire are approved, as are the requested drainage repairs in Eire identified by Ms. Heil, and to the extent they are consented to by the affected property owner(s), and shall be performed under the supervision of the Claims Administrator;
- 2) The Zone 1A participating claimants, defined above, shall each receive a double share, compared to participating claimants in the outer zones. That is, the soil property that participated is entitled to a share and the house that participated is entitled to a share. Because these were 2 claims, with each being counted as a separate claim, this decision is in accordance with the Court's prior Order dated June 27, 2011 which states that "any extra remediation funds shall be distributed equally to all participants in the Property Remediation Program". Of course, if a Zone 1A property only had soil and not a house that participated, or a house and not a soil that participated, the property is only to receive a single share.

- 3) The participating claimants, defined above, with house-only properties, in the outer, non-1A Zones, shall each receive one share.
- 4) The nonparticipating claimants, defined above, shall each receive a one-fifth share, no matter what Zone the property is located in.

In the Report, the Claims Administrator noted that an analogy may be found in the MDL 926 Breast Implant Settlement, where timely registrants received a \$5,000 Advance Payment, and late registrants (with these claimants here being very late indeed), received only \$1,000.

- 5) As to whether the surplus shall be paid on a per property basis or a per claimant basis, the Court determines that:
 - a. The share distribution shall be per claimant unit, regardless of the number of properties owned by each claimant unit.
- 6) The Spelter Volunteer Fire Department shall receive \$40,000 only to replace their air tanks, but the Claims Administrator shall so earmark, monitor and document the appropriate use of the funds.
- 7) The Court notes that the Remediation Program began on November 1, 2011. The surplus attributed to a property that has not been sold from that time until the date of this Order shall be distributed to the claimant unit that owns it as of the date of this Order. A claimant unit shall include the heirs or will beneficiaries of the deceased claimant who owned the property at November 1, 2011 and departed this life prior to the date of this Order. If the property has been sold between November 1, 2011 and the date of this Order, the distribution of the surplus is described in the next paragraph.

8) The surplus pertaining to properties sold between November 1, 2011 and the date of this Order shall be distributed as follows:

- a. For participating claimants, defined above, the Court notes that they received 2 remediation annoyance and inconvenience payments, a 20% payment after their property was tested for contaminants, and an 80% payment after remediation was determined not to be necessary or was completed. It is therefore appropriate to pay (i) 20% of the surplus share to the then owners of the property at the time of the 20% initial payment; and (ii) 80% of the surplus share to the then owners of the property at the time of the second 80% payment.
- b. For nonparticipating claimants, defined above, by analogy, the Court finds it appropriate to pay 20% of the surplus to the owners of the property when it was tested for contaminants and at the time the 20% payment was made (If the claimant unit withdrew from the Remediation Program prior to receiving the 20% payment, the determination date will be November 1, 2011), and 80% as of the date of this Order. Provided the Claims Administrator acts strictly in accordance with the protocols and the directives of this Order, he and his staff are granted Judicial Immunity.

Pursuant to Rule 54(b) of the West Virginia Rules of Civil Procedure, the Court directs entry of this Order as a Final Order as to the claims and issues above upon an express determination that there is no just reason for delay and upon an express direction for the entry for judgment.

IT IS SO ORDERED.

The Clerk of this Court shall provide certified copies of this Order to the following:

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James S. Arnold
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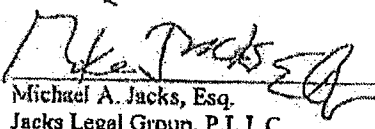
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ENTER: *J. L. / 13, 2016*


Thomas A. Bedell, Circuit Judge

Perrine DuPont Settlement
 Surplus Dividend Calculation Parameters

The following categories determine dividend shares, based on Guidelines Set Forth in the 07/13/16 Dividend Order, as clarified by the 10/10/16 Report to the Court:

Participating Properties, House and Soil (regardless of size)		
Registered the Property, Received Both Initial and Final Payments	Registered the Property & Received Only the Initial Payment	Received Only the Final Payment for a Registered Property
Participating Claimant Unit	Participating Claimant Unit	Participating Claimant Unit
Would Receive 100% of a full share or 100% share	Would Receive 20% of a full share or 20% share	Would Receive 80% of a full share or 80% share

Participating Properties will have resulting payments equal to a maximum of 1 share (or 2 shares if in Zone 1A) [1 or 2 (Zone 1A) shares to one Claimant Unit; or 20% of 1 or 2 (Zone 1A) shares = .20 or .40 share to one Claimant Unit and 80% of 1 or 2 (Zone 1A) shares = .80 or 1.60 share to another Claimant Unit]. Or some combination depending on if/when the property was sold.

Payments for Participating Properties will be issued to the Claimant Units in the same manner in which the original checks were issued.

Non-Participating Properties, House and Soil (regardless of size)		
Registered the Property, Received Initial Payment & Is the Current Owner as of 07/13/16	Registered the Property, Received Initial Payment & Is NOT the Current Owner as of 07/13/16	New Current Owner as of 07/13/16
Non-Participating Claimant Unit	Non-Participating Claimant Unit	Non-Participating Claimant Unit
Would Receive 100% of 1/5 share or 20% share	Would Receive 20% of 1/5 share or 4% share	Would Receive 80% of 1/5 share or 16% share

Non-Participating Properties will have resulting payments equal to a maximum of .20 (1/5th) share [.20 (1/5th) share to one Claimant Unit; or 20% of .20 (1/5th share) = .04 share to one Claimant Unit and 80% of .20 (1/5th share) = .16 share to another Claimant Unit]. Or some combination depending on if/when the property was sold.

Payments for Non-Participating Properties will be issued to the Claimant Units in the same manner in which the original checks were issued for the 100% and 20% shares, and for sold properties, the 80% share will be paid to the Current Owner(s) as of 07/13/16.

When grouping multiple properties for like Claimant Units, we included all of the above categories, meaning, it does not matter at what point the property was owned, as long as a payment was made or they owned it on 07/13/16, the Claimant Unit was combined. Each Claimant Unit is entitled to a maximum dividend of up to 1 share. And for Zone 1A properties, up to 2 shares. When there are multiple partial shares, the Claimant Unit will receive the share(s) associated with the property in the group that provides the largest payment.

Perrine DuPont Settlement

Application of Surplus Dividend Calculation Parameters

Example: If Claimant Unit A + B owns 2 house properties (in Zones other than 1A) that are categorized above, one in column 2 for a participating property, and one in column 3 for a non-participating property, the Claimant Unit would receive only 20% because it is the higher of the shares (20% and 16%). If one was in column 1 for a participating property, and one was in column 2 for a non-participating property, they receive would receive 1 share because it is the higher of the shares (100% and 4%).

A Claimant Unit that owns multiple properties in different Zones that include Zone 1A will only be eligible for a maximum of 2 shares for the group of properties that includes Zone 1A properties. See the following **examples:**

Claimant Unit A registered 3 properties in different Zones. They owned all 3 properties from registration to 07/13/16 (Order Date).

Zone 1A	Remediated Soil	1 share	Entitled to 1 share.
	Opted Out of House	0.20 share	Entitled to 1/5th share.
Zone 3	Remediated House	0 share	They would not receive this 1 share because this property was combined with the others. And another property results in a higher dividend.
Zone 3	Opted Out of House	0 share	They would not receive this 1/5th share because this property was combined with the others. And another property results in a higher dividend.
		<u>1.20 shares</u>	

In this example, the Claimant Unit would receive a dividend equal to 1.20 shares because for Zone 1A, they could receive up to 2 shares for House and Soil properties. However, they wouldn't receive anything for the other properties because all the properties were combined together.

If in this example, the Claimant Unit sold the Zone 1A property after they registered it, therefore only receiving the initial annoyance payment, the following would result:

Claimant Unit A registered 3 properties in different Zones. They sold the Zone 1A property to Claimant Unit B after they registered it.

Zone 1A	Remediated Soil	0 share	Sold this property after it was registered, and the new owner remediated it, so only eligible for 20% of 1 share. They would not receive this because one of the other properties they still own results in a higher dividend.
	Opted Out of House	0 share	Sold this property after it was registered, and the new owner also did not remediated it, so only eligible for 20% of a 1/5th share or 4%. They would not receive this because one of the other properties they still own results in a higher dividend.
Zone 3	Remediated House	1 share	They would receive this 1 share because is results in the largest dividend.
Zone 3	Opted Out of House	0 share	They would not receive this 1/5th share because this property was combined with the others. And another property results in a higher dividend.
		<u>1 share</u>	

Claimant Unit B purchased the above Zone 1A property and also registered 1 other Zone 1A property.

Zone 1A	Remediated Soil	0 share	Purchased this property after it was registered, and remediated it, so eligible for 80% of 1 share. They would not receive this because one of the other properties they own results in a higher dividend.
	Opted Out of House	0 share	Purchased this property after it was registered, and also did not remediated it, so only eligible for 80% of a 1/5th share or 16%. They would not receive this because one of the other properties they own results in a higher dividend.
Zone 1A	Remediated Soil	1 share	They would receive this 1 share because is results in the largest dividend.
	Remediated House	1 share	They would receive this 1 share because is results in the largest dividend.
		<u>2 shares</u>	