



Annexure

FEDERAL COURT OF AUSTRALIA

MICHAEL ROBERT LUKE & ORS

-V-

AVEO GROUP LTD

(VID996 OF 2017)

AVEO GROUP CLASS ACTION SETTLEMENT SCHEME

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SETTLEMENT SCHEME

A. Introduction

- 1 On 27 March 2023, the Applicants and Aveo entered into a Deed (**Settlement Deed**) to settle the proceeding known as *Luke & Ors v Aveo Group Ltd* (the **Class Action**) commenced in the Federal Court of Australia (**Court**) and given proceeding number VID 996 of 2017.
- 2 The Class Action was settled for \$11,000,000 (eleven million dollars) (**Settlement Sum**), subject to the Court approving the settlement.
- 3 This document (**Settlement Scheme**) provides a scheme for the distribution of the Settlement Sum, which is to be paid by Aveo Group Ltd (**Aveo**).
- 4 This Settlement Scheme should be read with:
 - (a) the orders made by the Court on 19 October 2023 and the Settlement Confirmation Notice referred to later in this document; and
 - (b) the Settlement Deed.
- 5 On 22 November 2023, the Court approved the Settlement Deed, the Settlement Sum and the Settlement Scheme (**Approval Orders**) and made orders as to the distribution of the Settlement Sum (**Distribution Orders**).

B. Group Members

- 6 The Approval Orders and Distribution Orders, bind all group members in the Class Action (**Group Members**).
- 7 The Group Members in the Proceeding are all persons who have not opted out of the Proceeding, have not settled their claims the subject of the proceedings, and are either:
 - (a) **Freehold Group Members**, being persons who;
 - (i) currently hold a freehold interest in a unit subject to the terms of a non-Aveo Way Management Agreement (**Pre-Aveo Way Freehold Interest**) in an Aveo Village listed in Part 1 of Annexure A, or an executor, administrator or lawful assignee of a person who has a freehold interest of that type; OR
 - (ii) previously held a Pre-Aveo Way Freehold Interest in a unit in an Aveo Village listed in Part 1 or Part 2 of Annexure A , or an executor, administrator or lawful assignee of a person who had a freehold interest of that type, and sold that interest to Aveo or a related entity of Aveo such that it would simultaneously be leased to an incoming resident on the terms of an "Aveo Way" contract; or



OR

(b) **Leasehold Group Members**, being persons who:

- (i) currently hold a leasehold interest in relation to, or a licence to occupy, a unit subject to the terms of a non-Aveo Way Management Agreement (**Pre-Aveo Way Leasehold Interest**) in an Aveo Village listed in Part 1 of Annexure A, or an executor, administrator or lawful assignee of a person who has a leasehold interest of that type; OR
- (ii) previously held a Pre-Aveo Way Leasehold Interest in an Aveo village listed in Part 1 or Part 2 of Annexure A , or you are an executor, administrator or lawful assignee of a person who had a leasehold interest of that type, and surrendered that interest to Aveo or a related entity of Aveo such that it would be simultaneously be leased to an incoming resident on the terms of an "Aveo Way" contract.

C. Eligible Group Members

- 8 In the Class Action, the only claim for damages was made on behalf of former Aveo residents or their executors, administrators or lawful assignees who have sold or surrendered their Pre-Aveo Way Freehold Interest or Pre-Aveo Way Leasehold Interest.
- 9 No claim for damages was made on behalf of Current Aveo Residents in the Proceedings.
- 10 A **Current Aveo Resident** is:
 - (a) a Freehold Group Member who as at 27 March 2023 had not entered into any contract for sale with any party to sell their Pre-Aveo Way Freehold Interest in a Unit; or
 - (b) a Leasehold Group Member who as at 27 March 2023 had not surrendered their Pre-Aveo Way Leasehold Interest in a Unit.
- 11 The Group Members who are eligible to participate in the settlement are Group Members who:
 - (a) are not Current Aveo Residents; and
 - (b) are either:
 - (i) Freehold Group Members who sold the unit to Aveo or a related entity of Aveo such that it would simultaneously be leased to an incoming resident on the terms of an "Aveo Way" contract; or
 - (ii) Leasehold Group Members who surrendered their leasehold interest in their unit to Aveo or a related entity of Aveo such that it would be simultaneously be leased to an incoming resident on the terms of an "Aveo Way" contract.



- 12 The Group Members who are eligible to participate in the settlement, as described in the previous paragraph, are collectively referred to as **Eligible Group Members** (and individually as an **Eligible Group Member**) in this Settlement Scheme.

D. Registration of Group Members

- 13 Eligible Group Members must register their claims by a registration deadline in accordance with clauses 15 to 18 below in order to have their claims considered for compensation under the Settlement Scheme.
- 14 For the purposes of clauses 13 and 15, the registration deadline is 45 (forty-five) days after the issue of the Settlement Confirmation Notice in accordance with clauses 37 and 38 (**Registration Deadline**).
- 15 Any Eligible Group Member who wishes to lodge a claim in the Settlement Scheme must register by:
- (a) completing the form under the heading "Registration Form" in **Annexure C** to this Settlement Scheme (**Registration Form**) and returning it to the Administrator, by the Registration Deadline, together with the available supporting documentation requested in the Registration Form; or
 - (b) completing and submitting the Registration Form available on a website under the control of the Administrator by the Registration Deadline; or
 - (c) otherwise registering with the Administrator and providing to the Administrator by the Registration Deadline the information requested in the Registration Form.
- 16 An Eligible Group Member who registers in accordance with clause 15 is referred to in this Settlement Scheme as a **Registered Group Member**.
- 17 For the purposes of clause 15:
- (a) a Group Member who has previously provided Levitt Robinson with evidence of their status as a Group Member and whose name is listed in **Annexure D** to this Settlement Scheme is not required to take any further steps (unless reasonably requested by the Administrator) in order to effect their registration, and will be taken to have been duly registered for the purposes of this Settlement Scheme.
 - (b) a Group Member will not be excluded from registration only because they are unable to provide or substantiate some of the information or documents requested in the Registration Form, provided that they use all reasonable endeavours to provide as much information as they are able and that information provides a reasonable basis to fairly assess the eligibility of the Group Member.
- 18 In the event that the Administrator, or any person appointed by the Administrator under this Settlement Scheme, is unable to verify whether a person who seeks to register for the Settlement Scheme is an Eligible Group Member, or unable to assess or estimate their entitlements under this Settlement Scheme due to lack of supporting



documents or information, the Administrator may request information and documents for those purposes from Aveo.

- 19 If such a request is made, then the associated reasonable costs incurred by Aveo including legal costs for the provision of that information must be deducted from the Settlement Sum and paid to Aveo on the presentation of a tax invoice, and may subsequently be deducted by the Administrator from the relevant Group Member's entitlements under this Settlement Scheme in such amount and in such proportion as the Administrator reasonably determines.

E. OVERVIEW OF THE SETTLEMENT SCHEME

I. The Settlement Sum

- 20 The total amount to be paid by Aveo in settlement of the Class Action, being the Settlement Sum, is \$11 million inclusive of costs.
- 21 Subject to the making of the Approval Orders, Steve Nicols of Nicols + Brien, will be appointed as the person responsible for administering the Settlement Scheme (**Administrator**).

II. Allocation of the Settlement Sum

- 22 Allocation of the Settlement Sum pursuant to the Settlement Scheme is subject to the Court making the:
- (a) Approval Orders, pursuant to section 33V(1) of the *Federal Court of Australia Act 1976* (Cth) (**Act**); and
 - (b) Distribution Orders, pursuant to section 33V(2) of the Act.
- 23 Subject to the making of the Distribution Orders, the allocation of the Settlement Sum will proceed as follows:
- (a) the Administrator will distribute and publish a Settlement Confirmation Notice in the form of Annexure B in accordance with clause 37 below which will notify Group Members that the settlement has been approved by the Court;
 - (b) the Applicants' legal costs and disbursements for the Class Action and the approval of the Settlement will be paid in amounts approved by the Court;
 - (c) the Administrator's estimated costs and expenses to be incurred in the Administration of this Settlement Scheme will be paid in an amount approved by the Court.
- 24 After the Distribution Orders and the deductions referred to above, the estimated sum available for distribution to Registered Group Members (**Estimated Net Settlement Sum**) will be calculated. Once all allowable deductions have been calculated and paid in full (in accordance with the terms of the Settlement Scheme), the amount available for distribution to Registered Group Members will be the "**Net Settlement Distribution Fund**".



- 25 Subject to the Court's Approval, the Net Settlement Distribution Fund will be distributed to Registered Group Members in the same proportion to which the sale price of each Registered Group Member's freehold or leasehold interest bears to the total sale prices of the freehold and leasehold interests of all Registered Group Members (**Claim Amount**). The Claim Amount is to be calculated in accordance with clause 46.
- 26 For the purposes of determining the Claim Amount, the Administrator will rely on:
- (a) the information contained within a spreadsheet prepared by Aveo and which was exhibited to the Affidavit of Mr Keith Wai-Kee Tang sworn 10 March 2023 and titled Exhibit KT-9 (**Mr Tang's spreadsheet**); and
 - (b) information provided by Aveo pursuant to clause 44 regarding the eligibility of Group Members for registration and the Sale Prices of freehold and leasehold interests of Registered Group Members details of which are not contained within Mr Tang's spreadsheet.
- 27 Registered Group Members will be provided with an opportunity to apply to the Administrator for a Review of their Claim Amount, as the case may be, in accordance with clause 51.

F. OTHER OPERATIVE PROVISIONS

I. Scheme Administrator

- 28 The Settlement Scheme will be administered by the Administrator. The Administrator, at his or her discretion, may utilise the services of any persons reasonably engaged by him or her such as accounting, legal, or other experts in administering the Settlement Scheme.
- 29 The Administrator will fulfil his or her obligations under the Settlement Scheme in the interests of all Group Members.
- 30 The Administrator will, subject to and in accordance with this Settlement Scheme, hold the Settlement Sum and interest earned thereon on trust until the Net Settlement Distribution Fund is distributed; and distribute the Net Settlement Distribution Fund, as expeditiously as possible.
- 31 The Administrator in discharging any function, or exercising any discretion conferred by this Settlement Scheme, shall administer this scheme fairly and according to its terms, as a duty owed to the Court.
- 32 The Administrator and the Administrator's staff, in discharging any function or exercising any power or discretion conferred by this Settlement Scheme, shall not be liable for any loss to Group Members arising by reason of any mistake or omission, provided such mistake or omission is made in good faith, or of any other matter or thing except wilful neglect and individual fraud and wrongdoing on the part of the Administrator or the Administrator's staff who are sought to be made liable.



- 33 Following the Distribution Order and the transfer of the Settlement Sum into an interest-bearing trust account controlled by the Administrator called the Aveo Class Actions Distribution Fund Account (**Settlement Distribution Account**), the Administrator will hold the Settlement Sum on behalf of the Group Members in the Settlement Distribution Account subject to and in accordance with the provisions of this Settlement Scheme.
- 34 Subject to, and in accordance with this Settlement Scheme, the Administrator may, in his or her discretion, temporarily transfer part or all of the Settlement Sum to and from the Settlement Distribution Account into and out of accounts in any bank or financial institution licensed as an authorised deposit-taking institution, for the purposes of Part 2, Division 1 of the *Banking Act 1959* (Cth), for the purpose of seeking more favourable terms, including accruing higher rates of interest.
- 35 The Administrator has general liberty to apply to the Court for directions or orders as to the management and administration of the Settlement Scheme.
- 36 Notwithstanding anything elsewhere in this Settlement Scheme, the Administrator may at any time correct any error, slip or omission occurring during the course of the administration of this Settlement Scheme.

II. **Settlement Confirmation Date**

- 37 Within 14 (fourteen) days of the Distribution Orders being made (**Settlement Confirmation Date**), the Administrator will take all reasonable steps to send a notice in the form of **Annexure B (Settlement Confirmation Notice)** to Group Members by:
- (a) sending by email, or where a working email address is not available, by ordinary post, a copy of the Settlement Confirmation Notice to all Eligible Group Members for whom Levitt Robinson has such contact details;
 - (b) delivering to IVE Group (or another suitable entity) (**Mailing House**), a list of names, email addresses and postal addresses provided (to the extent available) to the Administrator by Aveo, of all persons who match the description of an Eligible Group Member.
 - (c) publishing a copy of the Settlement Confirmation Notice on a website under the control of the Administrator; and
 - (d) publishing a copy of the Settlement Confirmation Notice in one week-day edition of *The Australian*.
- 38 The Settlement Confirmation Notice must include a Registration Form in the form of **Annexure C** to this Settlement Scheme.



III. Payment of legal costs, administration costs, and funding commission

- 39 As soon as practicable after the Settlement Sum is received by the Administrator, the following amounts will be paid from the Settlement Distribution Fund to Levitt Robinson:
- (a) the amount approved by the Court, in reimbursement of legal costs and disbursements paid by the Galactic Aveo LLC (**Paid Costs**);
 - (b) the unpaid costs and disbursements approved by the Court, namely the:
 - (i) unpaid costs and disbursements billed by Levitt Robinson in relation to the conduct or preparation of the Class Action (**Unpaid Costs**); and
 - (ii) costs and disbursements incurred by Levitt Robinson in relation to the conduct or preparation of the Class Action but not billed as at the date of the Approval and/or Distribution Orders (**Unbilled Costs**); and
 - (c) the costs and disbursements incurred by the Applicants in connection with obtaining the Approval and/or Distribution Orders (**Approval Costs**) approved by the Court pursuant to the Approval or Distribution Orders, including any such costs and disbursements incurred but not billed by Levitt Robinson as at the date of the Approval and/or Distribution Orders.
 - (d) After the Settlement Confirmation Date, the reasonable costs and disbursements incurred by the Administrator in connection with the administration of this Settlement Scheme, up to the amount approved by the Distribution Orders (**Administration Costs**) will be paid from the Settlement Distribution Fund as they fall due.
- 40 Administration Costs may be invoiced monthly and will fall due on the date of the invoice.
- 41 The Administrator may apply to the Court for an increase in approved Administration Costs at any time during the administration of the Settlement Scheme should it become apparent that the Administration Costs will be insufficient to facilitate the administration of the Settlement Scheme.

IV. Obligation of Group Members to provide Registration Form by Registration Deadline

- 42 As noted at clauses 13 to 15, each Group Member seeking to be recognised as a Registered Group Member must provide to the Administrator a completed Registration Form in the form of **Annexure C** to this Settlement Scheme prior to the Registration Deadline, together with the information and documents sought in the Registration Form, or such information and documents available to that Group Member or that can be reasonably obtained by them by the Registration Deadline. The extent to which a Group Member must supply information to the Administrator is subject to the operation of clause 17.



- 43 Subject to otherwise complying with clauses 13 to 18, unless a Group Member provides a Registration Form by the Registration Deadline, they will not be considered a Registered Group Member or permitted to make any claim upon the Settlement Sum or Settlement Distribution Fund.

V. Request for documents from Aveo

- 44 Within 45 (forty-five) days after the expiry of the Registration Deadline, the Administrator may make a single written request to Aveo for documents to verify the eligibility of any Group Member who has sought to register for the Settlement Scheme.
- 45 The reasonable costs incurred by Aveo including legal costs in complying with the Administrator's request will be paid from the Settlement Sum on presentation of a tax invoice.

VI. Certificate of Claim Amount

- 46 As soon as practicable after the Registration Deadline, the Administrator will calculate the Claim Amounts of the Registered Group Members in the following manner:
- (a) First, the Administrator is to ascertain the amount for which each Registered Group Member's unit was leased to an incoming resident on the terms of an Aveo Way contract (the "**Sale Price**").
 - (b) Second, the Administrator is to calculate the total of all Sale Prices of all Registered Group Members' units.
 - (c) Third, the Administrator is to calculate, with respect to each Registered Group Member, what proportion that Registered Group Member's Sale Price bears to the total of all Sale Prices of all Registered Group Members.
 - (d) Fourth, the Claim Amount for each Registered Group Member is the proportion of the Net Settlement Distribution Fund corresponding with the proportion calculated in sub-clause (c).
- 47 The Administrator will use all reasonable endeavours to prepare, and provide to each Registered Group Member, as soon as possible after the receipt of the information pursuant to clause 45 above, certificates recording the calculations identified in clause 47 (**Certificates of Claim Amount**).
- 48 The Certificates of Claim Amounts will record (amongst any other information deemed by the Administrator to be necessary) for each Registered Group Member:
- (a) the identity of the Registered Group Member;
 - (b) the Sale Price of the Registered Group Member's freehold or leasehold interest;
 - (c) the total of all Sale Prices of the Registered Group Members' freehold or leasehold interests;



- (d) the amount of the preliminary Net Settlement Distribution Fund; and
 - (e) the amount of the Registered Group Member's Preliminary Claim Amount, and a breakdown of how that amount has been calculated.
- 49 Subject to clauses 36 above and 5150 to 53 below, each Certificate of Claim Amount will be final and binding on each Registered Group Member.
- 50 The Certificate of Claim Amount shall be deemed to be accepted as accurate by the Registered Group Member to whom it relates, unless the Registered Group Member within 14 (fourteen) days of receiving the Certificate of Claim Amount delivers to the Administrator a written request for a review together with evidence that an error or omission has been made in their Certificate of Claim Amount (**Review Request**).
- 51 If a Registered Group Member makes a Review Request in accordance with clause 51, the Administrator shall, within 21 (twenty-one) days of receiving the Review Request, make a determination (**Review Determination**) and if satisfied there is an error, slip or omission in the Certificate of Claim Amount for that Registered Group Member, will correct the Certificate of Claim Amount to which the request relates (**Amended Certificate of Claim Amount**) and provide a copy to the Registered Group Member.
- 52 A Review Determination under clause 52 shall be final and binding.
- 53 The Administrator must:
- (a) provide a copy of the Amended Certificate of Claim Amount or otherwise inform the Registered Group Member of the outcome of their Review Request; and
 - (b) to the extent necessary, issue Amended Certificates of Claim Amounts to all Registered Group Members,
- within a further 21 (twenty-one) days of making the Review Determination.
- 54 All Amended Certificates of Claim Amounts will be final and binding on the Registered Group Members.

VII. Distribution of the Net Settlement Distribution Fund

- 55 As soon as practicable after:
- (a) all Certificates of Claim Amounts have been sent to Registered Group Members;
 - (b) all periods of Review from all Certificates of Claim Amounts have expired and any Review Requests made by Registered Group Members have been finally determined and Amended Certificates of Claim Amounts have been sent to Registered Group Members; and
 - (c) Past Costs, Funding Commission, Unpaid Costs, Unbilled Costs, Approval Costs, and Administration Costs have been deducted from the Settlement Distribution Fund,



the Administrator will distribute the Net Settlement Distribution Fund.

- 56 The Administrator will distribute the Net Settlement Distribution Fund as soon as practicable and in any event by the date which is six (6) months after the Settlement Confirmation Date or such later date as the Court may approve on the application of the Administrator (**Final Distribution Date**).
- 57 Any amounts which have not been paid in cleared funds to a Registered Group Member within three (3) months of the Final Distribution Date and any interest accrued on such amounts will:
- (a) if a further distribution of those funds to the relevant Eligible Group Members would result in each of those Eligible Group Members receiving a further distribution in excess of \$100, be distributed to those Eligible Group Members; or
 - (b) if a further distribution of those funds to the Eligible Group Members would result in each of those Eligible Group Members receiving a further distribution of less than \$100, be donated to Women's Housing Ltd.
- 58 Any amounts which have not been paid in cleared funds to an Eligible Group Member within three (3) months of any further distribution pursuant to clause 58 will be donated to Women's Housing Ltd.
- 59 The completion of distributions made pursuant to clauses 58 and 59 (including distributions made by cheques that either remain un-presented for 60 (sixty) days or which remain un-presented by the Final Distribution Date, whichever first occurs) will satisfy the claims of the Applicants and all Group Members, including those Group Members who are not Registered Group Members.

G. Supervision by the Court

- 60 The Administrator may refer any issues arising in relation to the Settlement Scheme or the administration of the Settlement Scheme to the Court for determination.
- 61 Any costs incurred in any such referral to the Court made by the Administrator will be deemed to be a part of the Administration Costs, subject to Court approval.

H. Notice

- 62 Any notice or document to be given or delivered pursuant to this Settlement Scheme shall be deemed to be given or delivered and received for all purposes associated with this Settlement Scheme if it is:
- (a) addressed to the person to whom it is to be given; and
 - (b) either:
 - (i) delivered or sent by pre-paid mail to that person's postal address, being in respect of any Group Member, the address notified in that



Group Member's Registration Form or failing that the address of that Group Member last known to the Administrator;

- (ii) (where applicable) sent by fax to that person's fax number being in respect of any Group Member, the fax number notified in that Group Member's Registration Form (or failing that the fax number of that Group Member last known to the Administrator) and the machine from which it is sent produced a report that states that it was sent in full; or
- (iii) sent by e-mail to that person's e-mail address being in respect of any Group Member, the e-mail address notified in that Group Member's Registration Form or failing that the e-mail address of that Group Member last known to the Administrator.

- 63 A notice or document that complies with clause 63 will be deemed to have been given or delivered and received:
- (a) if it was sent by mail to an addressee in Australia, five (5) clear business days after it was sent;
 - (b) if it was sent to an addressee outside of Australia, seven (7) clear business days after it was sent;
 - (c) if it was delivered or sent by fax, at the time stated on the report that is produced by the machine from which it was sent; and
 - (d) if it was sent by e-mail, at the time it is sent.
- 64 If the Group Member is not a natural person and where one person has been completed the Registration Form for that Group Member or where one Group Member has been nominated in the Registration Form as the contact in respect of several Group Members, it is sufficient for the purposes of giving notice that any of the provisions of clause 63 are complied with in relation to that nominated person.

I. GLOSSARY

- 65 The following is a glossary of terms defined in the Settlement Scheme:

(pages to be inserted)

Act
Administration Costs
Administrator
Certificates of Claim Amount
Amended Certificate of Claim Amount
Approval Costs
Approval Orders
Aveo
Certificates of Claim Amount
Claim Amount
Class Action
Court
Current Aveo Resident



Distribution Orders
Eligible Group Members
Estimated Net Settlement Sum
Final Distribution Date
Freehold Group Members
Funding Commission
Group Members
Lead Applicant
Leasehold Group Members
Mr Tang's spreadsheets
Net Settlement Distribution Fund
Paid Costs
Registered Group Member
Registration Deadline
Registration Form
Review Determination
Review Request
Settlement Confirmation Date
Settlement Confirmation Notice
Settlement Deed
Settlement Distribution Account
Settlement Scheme
Settlement Sum
Unbilled Costs
Unpaid Costs



ANNEXURE A TO SETTLEMENT SCHEME – LIST OF AVEO VILLAGES

Legend:

ILU means 'Independent Living Unit'

SA means 'Serviced Apartment'

Aveo Village	Accom. Type	State	Date of first Aveo Way Sale
PART 1: VILLAGES WHERE THE AVEO WAY HAS BEEN INTRODUCED, AVEO WAY CONTRACTS ARE PRESENTLY OFFERED TO INCOMING RESIDENTS AND AN AVEO WAY SALE MAY TAKE PLACE IN THE FUTURE			
Aveo The Parks, Earlville	ILU	Qld	16-Jul-15
Aveo Lindsay Gardens, Buderim	ILU	Qld	11-Sep-15
Aveo Lindsay Gardens, Buderim	SA	Qld	26-Oct-15
Aveo Peregian Springs Country Club, Peregian Springs	ILU	Qld	29-Jun-15
Aveo Peregian Springs Country Club, Peregian Springs	SA	Qld	30-Jun-15
Aveo Albany Creek, Albany Creek	ILU only	Qld	29-Apr-15
Aveo Aspley Court, Aspley	ILU	Qld	30-Jun-15
Aveo Aspley Court, Aspley	SA	Qld	30-Jun-15
Aveo Bridgeman Downs, Bridgeman Downs	ILU	Qld	10-Aug-15
Aveo Bridgeman Downs, Bridgeman Downs	SA	Qld	30-Jun-15
Aveo Cleveland, Cleveland	ILU	Qld	4-May-15
Aveo Cleveland, Cleveland	SA	Qld	23-Apr-15
Aveo Cleveland Gardens, Ormiston	ILU only	Qld	17-Jul-15
Aveo Durack, Durack	ILU	Qld	31-Mar-15
Aveo Durack, Durack	SA	Qld	21-Apr-15
Aveo Manly Gardens, Manly	ILU	Qld	15-Apr-15
Aveo Sunnybank Green, Sunnybank	ILU	Qld	1-Jul-15
Aveo Taringa, Taringa	ILU	Qld	26-Jun-15
Aveo Taringa, Taringa	SA	Qld	7-May-15
The Clayfield, Albion	ILU	Qld	30-Apr-14
Aveo Amity Gardens, Ashmore	ILU	Qld	1-Jul-15
Aveo Robertson Park, Robertson	ILU only	Qld	25-Sep-15
Aveo Robina, Robina	ILU	Qld	25-Jun-15
Aveo Southport Gardens, Southport	ILU	Qld	16-Oct-15
Aveo The Domain Country Club, Ashmore	ILU	Qld	22-Jun-15
Aveo The Domain Country Club, Ashmore	SA	Qld	24-Jun-15
Aveo Tranquility Gardens, Helensvale	ILU	Qld	15-Jun-15
Aveo Banora Point, Banora Point	ILU	NSW	9-Sep-15



Aveo Bayview Gardens, Bayview	ILU	NSW	19-Nov-14
Aveo Bayview Gardens, Bayview	SA	NSW	24-Aug-15
Aveo Camden Downs, Camden South	ILU	NSW	11-Apr-16
Aveo Lindfield Gardens, East Lindfield	ILU	NSW	26-Nov-14
Aveo Lindfield Gardens, East Lindfield	SA	NSW	15-Dec-14
Aveo Maple Grove, Casula	ILU	NSW	5-Dec-14
Aveo Minkara Resort, Bayview	ILU	NSW	24-Nov-14
Aveo Minkara Resort, Bayview	SA	NSW	28-Apr-15
Aveo Peninsula Gardens, Bayview	ILU	NSW	4-Jun-15
Aveo Peninsula Gardens, Bayview	SA	NSW	16-Oct-15
Aveo Fernbank, St Ives	SA only	NSW	23-Dec-15
Aveo Island Point, St Georges Basin	ILU	NSW	10-Aug-15
Aveo Mountain View, Murwillumbah	ILU	NSW	4-Sep-15
Aveo Mountain View, Murwillumbah	SA	NSW	12-Feb-16
Pittwater Palms, Avalon	SA only	NSW	29-Mar-22
The Manors of Mosman, Mosman	SA only	NSW	22-Dec-17
Aveo Ackland Park, Everard Park	ILU only	SA	28-Nov-16
Aveo Carisfield, Seaton	ILU	SA	27-Jan-16
Aveo Crestview, Hillcrest	ILU	SA	14-Oct-15
Aveo Fulham, Fulham	ILU	SA	24-Sep-15
Aveo Fulham, Fulham	SA	SA	3-Jun-15
Aveo Glynde Lodge, Glynde	ILU	SA	3-Nov-15
Aveo Gulf Point, North Haven	ILU	SA	14-Nov-16
Aveo Kings Park, Kings Park	ILU	SA	8-Apr-16
Aveo Kings Park, Kings Park	SA	SA	16-Dec-15
Aveo Leabrook Lodge, Rostrevor	ILU	SA	27-Nov-15
Aveo Leisure Court, Fulham Gardens	ILU	SA	17-Mar-17
Aveo Manor Gardens, Salisbury East	ILU	SA	22-Jul-15
Aveo Manor Gardens, Salisbury East	SA	SA	30-Jun-15
Aveo Melrose Park, Melrose Park	ILU	SA	27-Jan-16
Aveo Melrose Park, Melrose Park	SA	SA	6-Aug-15
Aveo Riverview, Elizabeth Vale	ILU	SA	28-Sep-15
Aveo The Braes, Reynella	ILU	SA	24-Jun-15
Aveo The Braes, Reynella	SA	SA	18-Jun-15
Aveo The Haven, North Haven	ILU	SA	14-Aug-15
Aveo The Haven, North Haven	SA	SA	21-Aug-15
Aveo Westport, Queenstown	ILU	SA	31-Jul-15
Aveo Botanic Gardens, Cranbourne	ILU	Vic	21-Mar-16
Aveo Cherry Tree Grove, Croydon	ILU	Vic	1-Oct-15
Aveo Cherry Tree Grove, Croydon	SA	Vic	11-Dec-15
Aveo Domainé, Doncaster	ILU	Vic	11-Jan-16



Aveo Edrington Park, Berwick	ILU only	Vic	20-Aug-15
Aveo Fountain Court, Burwood	ILU only	Vic	2-Nov-15
Aveo Hampton Heath, Hampton Park	ILU	Vic	21-Aug-15
Aveo Kingston Green, Cheltenham	ILU only	Vic	17-Aug-15
Aveo Mingarra, Croydon	ILU	Vic	25-Sep-15
Aveo Oak Tree Hill, Glen Waverley	ILU only	Vic	30-Oct-15
Aveo Roseville, Doncaster East	ILU only	Vic	30-Oct-15
Aveo Springthorpe, Macleod	ILU	Vic	17-Jun-16
Aveo Sunbury, Sunbury	ILU	Vic	12-Feb-16
Aveo Veronica Gardens, Northcote	ILU only	Vic	29-Apr-16
Aveo Hunters Green, Cranbourne East	ILU	Vic	17-Aug-18
Aveo Derwent Waters, Claremont	ILU	Tas	21-Sep-15
Aveo Derwent Waters, Claremont	SA	Tas	1-Jun-17
Aveo Mowbray Links, Mowbray (Previously known as Freedom Aged Care Launceston)	ILU	Tas	18-Aug-20

Aveo Village	Accom. Type	State	Date of first Aveo Way Sale
PART 2: VILLAGES WHERE THE AVEO WAY HAS BEEN INTRODUCED BUT AVEO WAY SALES WILL NO LONGER TAKE PLACE			
Aveo Albany Creek, Albany Creek / Freedom Aged Care Albany Creek	SA only	Qld	29-May-15
Freedom Aged Care Ormiston (previously described as Freedom Aged Care Cleveland or Aveo Cleveland Gardens)	SA only	Qld	11-Jun-15
Aveo Mosman Grove, Mosman	SA only	NSW	19-Dec-14
Aveo Edrington Park, Berwick / Freedom Aged Care Berwick, Berwick	SA only	Vic	11-Oct-16
Aveo Fountain Court, Burwood / Freedom Aged Care Burwood	SA only	Vic	25-Sep-15
Aveo Roseville, Doncaster East / Freedom Aged Care Doncaster	SA only	Vic	23-Dec-16
Freedom Concierge Balwyn, Balwyn (Previously known as Aveo Concierge Balwyn)	ILU	Vic	28-Sep-15
Freedom Concierge Bayside, Hampton (Previously known as Aveo Concierge Bayside)	ILU	Vic	10-Aug-15
Freedom Aged Care Sandringham, Sandringham (Previously known as Aveo The George)	ILU	Vic	6-Nov-15
Freedom Aged Care Sandringham, Sandringham (Previously known as Aveo The George)	SA	Vic	4-Sep-15



ANNEXURE B TO SETTLEMENT SCHEME – CONFIRMATION OF SETTLEMENT NOTICE

AVEO CLASS ACTION

DATE OF NOTICE: [INSERT]

THE IMPORTANCE OF THIS NOTICE

This Notice contains important information regarding the settlement of representative proceedings (or class actions) brought against Aveo.

If you are a Group Member, you have legal rights that are affected by the settlement. Please read this Notice carefully.

On XXXXXX 2023, the Federal Court of Australia approved a settlement of the class action proceedings in **Michael Robert Luke (in his capacity as the co-executor of the estate of Robert Colin Luke, deceased) and others v Aveo Group Ltd** also known as the Aveo Class Action.

The **Settlement Amount** of \$11 million has now been paid by Aveo Group Ltd to the Administrator of the Settlement Scheme, Steve Nicols of Nicols + Brien.

The Settlement Amount plus any accrued interest less any fees and tax is available for distribution by the Administrator to Group Members who are entitled to make a claim on the Settlement Distribution Fund.

All Eligible Group Members are entitled to make a claim on the Settlement Distribution Fund.

In order to make a claim:

- (a) You will need to register by doing one of the following by [45 days from date of issue]:
 - (i) completing the attached Registration Form and returning it to the Administrator at [insert email address], by the Registration Deadline; or
 - (ii) completing and submitting the Registration Form available on [insert Administrator's website] by the Registration Deadline; or
 - (iii) otherwise registering with the Administrator and providing to the Administrator by the Registration Deadline the information requested in the Registration Form; or
- (b) the Administrator considers that you have duly registered within the terms of clause 16 of the Settlement Scheme.



The Settlement Distribution Fund will be distributed in accordance with a Settlement Scheme annexed to orders of the Court made on XXXXXX 2023 after the deduction of certain costs and other charges as set out in orders of the Court made on [date of Distribution Order] 2023. The Settlement Scheme contains important information about registration and participation in the Settlement Distribution Fund.

If you think you are entitled to claim on the Settlement Distribution Fund and do not have a copy of the Settlement Scheme, it can be accessed at www.lxxxxxxx and [insert email address of Administrator].



ANNEXURE C TO SETTLEMENT SCHEME – REGISTRATION FORM

Michael Robert Luke (in his capacity as the co-executor of the estate of Robert Colin Luke, deceased) and others v Aveo Group Ltd

Federal Court *Proceeding* VID996/2017

**SETTLEMENT SCHEME
REGISTRATION FORM**

TO: The Administrator
(Details to be inserted)

Name of group member:	
Capacity of group member (Are you a former Owner, an Executor or an Administrator or do you hold a power of Attorney?) Please specify:	
Address and contact details	
Unit No and Village	
Name of person(s) who lived in the Unit.	
Please attach evidence of your right to represent the person who owned the unit or their Estate eg copy of power of attorney or grant of probate or letters of administration	