

**FIRST HORIZON MISSOURI SECOND MORTGAGE LOAN LITIGATION**

**Jessica Swisher  
Martin, Leigh, Laws and Fritzlen, PC  
900 Peck's Plaza  
1044 Main Street  
Kansas City, Missouri 64105.**

**AMENDED CLAIM FORM**

This Claim Form must be used to apply for benefits pursuant to the terms of a settlement in the class action lawsuit styled *David C. and Holly E. McLean, et al., plaintiffs, vs. First Horizon Home Loan Corporation (formerly known as McGuire Mortgage Company), defendants*. The lawsuit is pending before the Circuit Court of Jackson County, Missouri in Independence; Case No. 00CV-228530.

**A. INSTRUCTIONS**

1. You must complete this Claim Form correctly, and answer any question when required. Incomplete Claim Forms will be rejected. Material omissions, material misstatements, and knowing misstatements will invalidate a Claim Form.

2. You must **mail** the completed Claim Form to the Defense Counsel, Desarae Harrah, at the

above address. **Do not mail a completed Claim Form to the Court or to Class Counsel.**

3. **All Claim Forms must be postmarked no later than December 20, 2007.** Claims Forms postmarked after that date will **not** be accepted.

4. If you obtained more than one second mortgage loan from McGuire Mortgage, FT Mortgage Companies, or First Horizon Home Loan Corporation between November 16, 1994 and April 13, 2005, you are entitled to file a Claim for **each** of the loans. However, you must complete and mail a **separate** Claim Form to the Settlement Administrator for **each** Second Mortgage Loan that you obtained. Extra blank copies of the Claim Form may be obtained by calling Class Counsel at [www.wbsvlaw.com](http://www.wbsvlaw.com) or by e-mailing [mcleansettlement@wbsvlaw.com](mailto:mcleansettlement@wbsvlaw.com), or by calling toll free 1-800-330-2581.

5. The Settlement of the Lawsuit, and the circumstances under which you should submit this Claim Form, were explained in the Class Notice that was previously sent to you along with this Claim Form. **The Class Notice contains important information and you should read it thoroughly before you consider whether to submit this Claim Form.** The Class Notice also explains how to complete this Claim Form, and you should consult the Class Notice in completing this Claim Form.

6. Class Counsel currently estimates that the Settlement Benefit for most of the loans made before January 1, 1999 will be \$339.00 to \$54,162.00 per loan, with the average Settlement Benefit being \$10,171.00 per loan. The Settlement Benefit for most of the loans made on or after January 1, 1999 is currently estimated to be \$250.00 to \$4,353.00 per loan, with the average Settlement Benefit being \$773.00 per loan. You can determine what Class Counsel currently estimates the amount of your Settlement Benefit to be by adding all of the allegedly illegal loan fees and all of the interest that you paid on your loan as of November 7, 2006, and multiplying that sum by the applicable percentage (approximately 77.68% for loans made before January 1, 1999 and 6.26% for loans made on or after that date). These amounts are estimates by Class Counsel, are presumed to be valid, but are subject to challenge and may be different. If there is a successful challenge, then the amount you may receive could be less, nothing, or more than the estimate shown.

7. The terms of the proposed settlement are described in more detail in the Settlement Agreement approved by the Court. If you have any questions about the proposed settlement, or how to complete this Claim Form, **do not call the Court.** Contact Class Counsel, R. Frederick Walters, David M. Skeens, or Kip D. Richards, at the following address:

Walters Bender Strohbehn & Vaughan, P.C.  
2500 City Center Square  
1100 Main Street, P.O. Box 26188  
Kansas City, MO 64196  
(800) 330-2581 (toll free)  
(816) 421-6620  
(816) 421-4747 (Facsimile)  
[mcleansettlement@wbsvlaw.com](mailto:mcleansettlement@wbsvlaw.com)  
[www.wbsvlaw.com](http://www.wbsvlaw.com)

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Please provide the following information, which shall be treated and kept confidential and used solely for purposes of processing your Claim and determining the amount of the Settlement Benefit due. Please print clearly in blue or black ink.



### C. YOUR SECOND MORTGAGE LOAN

2. Did you make any payments on your second mortgage loan?

Yes (Go to Question #3)

No (skip to Question #8)

3. To the best of your recollection, did you ever fail to make a monthly payment that you were required to make on your second mortgage loan?

Yes (Go to Question #4)

No (skip to Question #5)

4. What is your best estimate of how many required monthly payments that you failed to make:

\_\_\_\_\_

5. Are you still making payments on your second mortgage loan?

Yes (skip to Question #7)

No (go to Question #6)

6. If you answered "No" to Question #5, provide the following information (*if you answered "Yes," skip to Question #7*):

a. The approximate date (month and/or year) on which you made your last loan payment:

\_\_\_\_\_

b. Why you stopped making payments (some examples: "repaid the loan," "refinanced the loan," "could not afford to make the monthly payments," "foreclosure," "filed for bankruptcy"):

\_\_\_\_\_

\_\_\_\_\_

7. Do you have any documents in your possession that show the dates and/or amounts of any loan payments made on your second mortgage loan, including the amount of any interest paid on the Loan? Examples of such payment documents include bills, invoices or receipts, cancelled checks (original or photocopies), payoff statements, IRS Form 1098's for the Loan, etc.

Yes

No

**You may submit a Claim Form whether or not you have any such documents; but if you have such documents, you must keep them in a safe place as you may be required to provide them to First Horizon at a later date. Failure to provide documents or other information that you have may cause your claim to be denied.**

#### D. AUTHORIZATION FOR RELEASE OF INFORMATION

8. The amount of the Settlement Benefit to be paid on each second mortgage loan has been calculated from available data. The amount of the Settlement Benefit is based on a number of factors, including the date on which the second mortgage loan was made, the type and amount of loan fees that were charged, the rate and amount of interest paid, and whether the borrower(s) filed bankruptcy. (See Notice of Proposed Class Action Settlement at pages 4-7)

To process your Claim and in order to verify, revise or challenge the amount of the Settlement Benefit due, First Horizon is entitled to obtain documents concerning your second mortgage loan from you (as mentioned above) and from third parties, other than the IRS or any other federal or state taxing authority, but including those companies that received any of the payments made on the loan. In order to submit a valid Claim, you must authorize First Horizon to obtain from these third parties the payment information related to your second mortgage loan on your behalf. This Claim Form, when signed below, will serve as a written authorization and consent by you for the release of such loan payment information, your credit report and other loan information to First Horizon. (See Section F below) If necessary, you may be required to sign and provide other consent form(s) at a later date to obtain additional documents from third parties as a part of the claims process. First Horizon has agreed to treat and keep all of the documents and information it receives as from you and any third party confidential. First Horizon will use the documents and information solely for purposes of processing your Claim and determining the Settlement Benefit due.

#### E. BANKRUPTCY

9. Did you file bankruptcy (Chapter 7, Chapter 11 or Chapter 13) after you obtained your second mortgage loan?

Yes

No (skip to Question #11)

**Important:** Borrower(s) who answered "Yes" to this Question still are entitled to make a claim and may collect the Settlement Benefit due. (See Notice of Proposed Class Action Settlement at page 7) However, borrower(s) who filed for bankruptcy must also contact their bankruptcy trustee or their bankruptcy attorney, if they had one, and provide the trustee or attorney with a copy of the Notice of Proposed Class Action Settlement.

10. Are you completing this Claim Form as a bankruptcy trustee on behalf of a debtor?

Yes (complete the following)  No (skip to Question #11)

Name of Trustee: \_\_\_\_\_

Trustee's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Trustee's Phone Number: \_\_\_\_\_

Name of Debtor: \_\_\_\_\_ Case No. \_\_\_\_\_

Type: Chapter \_\_\_\_ Court \_\_\_\_\_

Filing Date: \_\_\_\_\_ Date of Discharge (if any) \_\_\_\_\_

**F. CERTIFICATION**

11. To submit a valid claim, each borrower and/or representative claimant must sign this Claim Form below to certify the following:

I (we) have the right to file a Claim in connection with the Settlement and the right to collect any monies under the Settlement. My (our) rights have not been assigned or delegated to any other individual or entity.

I (we) consent to the release of information about my loan from consumer reporting agencies, entities that may be currently servicing or once did service my (our) second mortgage loan, and other third parties. I (we) also acknowledge that I (we) may be required to provide other consent forms if necessary to obtain additional loan information from third parties.

I (we) have read and completed this Claim Form and declare under penalty of perjury that the information provided is true and correct to the best of my (our) knowledge and belief.

Date: \_\_\_\_\_  
(MM/DD/YYYY)

\_\_\_\_\_  
(Signature of Borrower or Legal Representative)

Date: \_\_\_\_\_  
(MM/DD/YYYY)

\_\_\_\_\_  
(Signature of Borrower or Legal Representative)

*Note: Legal Representatives, other than bankruptcy trustees, must attach a copy of the Order, Decree, letters, power of attorney, or other document showing his or her capacity to file this Claim.*

**REMEMBER:**

**EACH BORROWER AND/OR LEGAL REPRESENTATIVE MUST PERSONALLY SIGN THIS CLAIM FORM TO BE VALID. COPY AND COMPLETE PAGES 2 AND 5 IF THERE WERE MORE THAN TWO (2) BORROWERS AND ATTACH THE ADDITIONAL PAGES TO THIS CLAIM FORM.**

**DO NOT MAIL A COMPLETED CLAIM FORM TO THE COURT. AMENDED CLAIM FORMS MUST BE MAILED TO THE DEFENSE COUNSEL, DESARAE HARRAH AT THE FOLLOWING ADDRESS POSTMARKED ON OR BEFORE DECEMBER 19, 2007:**

**Jessica Swisher  
Martin, Leigh, Laws and Fritzlen, PC  
900 Peck's Plaza  
1044 Main Street  
Kansas City, Missouri 64105.**