

Nolen et al. v. Fairshare
Notice Administrator
P.O. Box 4778
Portland, OR 97208-4778

**UNITED STATES DISTRICT
COURT FOR THE MIDDLE
DISTRICT OF FLORIDA**

**If You Own, or Previously
Owned, a Wyndham Timeshare
and Joined Club Wyndham
Plus, a Class Action Lawsuit
May Affect Your Rights**

*Nolen et al. v. Fairshare
Vacation Owners Association,
6:20-cv-00330-PGB-EJK (M.D. Fla.)*

**A FEDERAL COURT AUTHORIZED
THIS NOTICE. THIS IS NOT A
SOLICITATION FROM A LAWYER.
YOU ARE NOT BEING SUED.**

Four Club Wyndham Plus Members—referred to here as Class Representatives—sued Fairshare Vacation Owners Association (“Fairshare”) alleging that Fairshare violated its fiduciary duties to Club Wyndham Plus Members (“Club Members”). Most Wyndham timeshare owners join Club Wyndham Plus. To join Club Wyndham Plus, Club Members assign their Timeshare Use Interests to the Fairshare Vacation Plan Use Management Trust (the “Trust”). Fairshare acts as Trustee for the Trust, and, as such, it owes fiduciary duties to Club Members. Class Representatives allege that Fairshare violated those fiduciary duties by, among other things, entering into transactions with Wyndham-related entities and maintaining a significant surplus sum of money in the Trust’s Fund account (a “Fund Balance”) that it should have returned to Club Members.

If the Class Representatives are successful, changes to the operations of Club Wyndham Plus could occur.

Fairshare denies the allegations against it. It does not believe it violated any fiduciary duties. Fairshare has alleged other defenses to the Class Representatives’ legal claims. The Court has not decided whether Fairshare did anything wrong. There is no money available now and no certainty there will be. However, your legal rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:

DO NOTHING. Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement in this case. But you give up any right to sue Fairshare separately on any claim in this lawsuit.

EXCLUDE YOURSELF BY January 17, 2022. Get

out of this lawsuit. Get no benefits from it. Keep your rights. If you ask to be excluded from the lawsuit and money or benefits are later awarded, you won’t share in those. But you keep any right to sue Fairshare separately on the claims in this lawsuit.

Who Is a Class Member? – The Court certified a class consisting of all Club Wyndham Plus Members, or former members, since March 14, 2008. Specifically, the class is defined as:

All persons and entities who are citizens of the United States of America and who on or after March 14, 2008: (1) purchased a timeshare with a Property Interest (or the Use Rights therein) subject to the Fairshare Vacation Plan Use Management Trust or (2) purchased (including upgrading or refinancing) a Property Interest (or the Use Rights therein) previously subject to the Fairshare Vacation Plan Use Management Trust.

You are receiving this notice because Fairshare’s records have identified you as a potential class member.

Your Rights and Options – If you do **NOT** want to participate in this class action, you may exclude yourself from the case by submitting a written request postmarked by **January 17, 2022**. If you do not exclude yourself, you will be bound by all future decisions in this case whether favorable or unfavorable to the Class, including possibly the terms of any settlement that may be reached, and you will give up your right to individually sue Fairshare regarding the claims in this case.

This notice is only a summary. Complete information about the lawsuit, including your rights and options are available at www.CWPclassaction.com or by calling the Class Notice Administrator at 1-855-675-3120. Please do not call the Court. The Court authorized this notice.