

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

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|-------------------------|---|-----------------------|
| BRENT M. KRAUSE, et ux. |) | |
| |) | |
| Plaintiffs, |) | Case No. 0516-CV30246 |
| |) | Division 6 |
| vs. |) | |
| |) | |
| CHICAGO TITLE INSURANCE |) | |
| COMPANY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER CERTIFYING PLAINTIFF CLASS

NOW ON THIS 31ST day of May, 2007, the court takes up and considers Plaintiffs' Motion for Class Certification and Suggestions in Support Thereof, filed April 17, 2007, Defendants' Suggestions in Opposition to Class Certification, filed April 30, 2007, Plaintiffs' Reply to Defendant's Opposition to Class Certification, filed May 9, 2007, and Defendant's Supplemental Opposition to Plaintiffs' Motion for Class Certification, filed May 14, 2007. The court also considers additional evidence presented by the parties at the class certification hearing held on April 24, 2007. The Court enters the following after being fully advised in all the pleadings and premises:

The certification of a class action is subject to an analysis of Missouri Rule of Civil Procedure 52.08. The first step under Rule 52.08 is a determination of whether the plaintiff has met the requirements of Rule 52.08(a), which provides:

- (a) Prerequisites to a Class Action. One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are

questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

M.R.C.P. 52.08(a)(2006).

In addition to satisfying Rule 52.08(a), the plaintiff must also meet one of the three requirements of Rule 52.08(b) in order to maintain a class action. An action may be maintained as a class action under Rule 52.08(b)(3) if:

[t]he court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to this finding include:

- (A) the interest of members of the class individually controlling the prosecution or defense of separate actions.
- (B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class.
- (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum;
- (D) the difficulties likely to be encountered in the management of a class action.

M.R.C.P. 52.08(b)(3) (2006).

With regard to Rule 52.08(a), the Court makes the following findings:

1. The proposed three classes total 94,000 members. This is so numerous that joinder of all members is impractical. Further, each individual proposed class is large enough that joinder of that class' members is also impractical due to their numerosity.

2. There are questions of law and fact common to the classes. With respect to Class 1 and Class 2 this relates to government recording fees and with respect to Class 3 it relates to document preparation fees.
3. The claims and defenses of the representative parties are typical of the claims and defenses of the class. In fact, the Krauses' claims are nearly identical to those in each of the three classes.
4. The representative parties will fairly and adequately protect the interests of the class. More specifically, there is no evidence that the Krauses claims are antagonistic to or conflict with the claims of the other class members. Additionally, Plaintiffs' counsel is sufficiently experienced to handle a case of this complexity and size.

With regard to Rule 52.08(b)(3), the Court makes the following findings:

1. The interest of the members of proposed Class 1, proposed Class 2 and proposed Class 3 in individually controlling the prosecution or defense of separate actions is negligible since there is a nominal amount of money involved in each case, which would probably not be worthwhile to bring an individual action.
2. There are no known pending actions involving government recording fees or document preparation fees that have been brought by potential class members.
3. The 16th Circuit Court of Jackson County, Missouri is a desirable forum for this action because the named Plaintiffs are Missouri residents, the

Defendant Chicago Title is a Missouri corporation conducting substantial business in Missouri and all of the subject real estate is located in Missouri, much of it in Jackson County.

- 4. The difficulties likely to be encountered in the management of this case as a class action are no more compelling than in any other class action.

Consistent with these findings, the Court also finds that the questions of law and fact common to members of the class predominate over any questions affecting only individual members. Further, a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

Thus, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Class Certification is **GRANTED**. Plaintiffs have satisfied the requirements of Rule 52.08 as has been fully delineated above.

IT IS FURTHER ORDERED that the court hereby certifies three separate classes of plaintiffs as follows:

CLASS 1 - All individuals and entities for whom Chicago Title acted as a settlement or closing agent in a transaction involving property in Missouri since September 2, 2000 in which the amount represented and collected for recording fees on a HUD 1 settlement statement was greater than the amount paid for recording fees in connection with the transaction, and in which the amount over collected was not refunded.

CLASS 2 - All individuals and entities for whom Chicago Title acted as a settlement or closing agent in a transaction involving property in Missouri since September 2, 2000 in which the amount represented and collected for recording fees on a settlement statement was greater than the amount paid for recording fees in connection with the transaction, and in which the amount over collected was not refunded.

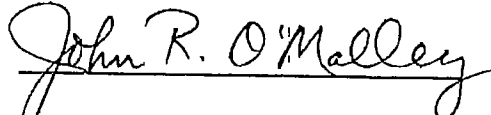
CLASS 3 - All individuals and entities who since September 2, 2003 have paid to Chicago Title a document preparation fee or any fee for Chicago Title drawing, procuring or assisting in drawing legal documents in connection with a real estate transaction involving property in Missouri.

IT IS FURTHER ORDERED that Plaintiffs Brent Krause and Jill Krause are designated as representatives of the above classes.

IT IS FURTHER ORDERED that Plaintiffs' counsel, Rouse Hendricks German and May, P.C., is designated as Counsel for the above class and that class counsel shall prepare a notice consistent with Rule 52.08 for dissemination to the class through the best practicable means under the circumstances.

IT IS SO ORDERED.

Date: May 31, 2007


JUDGE JOHN R. O'MALLEY