

Exhibit 3

eligibility and document requirements in order to have a successful claim in each of those programs.

5. Attached hereto as **Exhibit A** is a true and correct copy of the *Pigford I* claim form that USDA disseminated. Attached hereto as **Exhibit B** is a true and correct copy of the *Pigford II* claim form that USDA disseminated. Attached hereto as **Exhibit C** is a true and correct copy of the *Keepseagle* claim form that USDA disseminated.

6. Along with other farm advocates, I assisted black and Native American farmers in gathering the information and materials necessary to complete claim forms in those programs.

7. In each of those claims programs, the claim form was short (8 pages in each instance) and clear. If farmers had questions, attorney assistance was provided free of charge.

8. I am also familiar with the Hispanic and Women Farmers and Ranchers Discrimination Claims Process that USDA launched on September 24, 2012. I attended an information session on this Claims Process, and its claims form, conducted by FLAG in conjunction with FARMAID 2012 on September 20, 2012 in Hershey, Pennsylvania. Attached hereto as **Exhibit D** is a true and correct copy of the Women/Hispanics Claims Process claim form (the "Claim Form") distributed at that meeting and since then disseminated by USDA. Attached hereto as **Exhibit E** is a true and correct copy of the "Summary of Hispanic and Women Farmers and Ranchers Discrimination Claim Process for USDA Farm Loans and Loan Servicing Programs," which was also distributed at that meeting.

9. I am pleased that USDA has made progress in launching a Claims Process for Hispanic and women farmers' discrimination claims. Unlike the prior claims programs, however, the claim form issued by USDA for use with the Women/Hispanic Claims Process is lengthy (16 pages, plus 9 pages of attachments), confusing, and at times inconsistent. In

addition, the eligibility and document requirements that women and Hispanic farmers must meet for their claims to be successful are more difficult than what was required in the claims programs provided to black farmers and Native-American farmers. In some instances, the relief available is also less for women and Hispanics than was made available for blacks and Native Americans.

10. In responding to questions from women or Hispanic farmers who are considering filing claims in the Women/Hispanic Claims Process, it is difficult to provide clear answers when the Claim Form and accompanying documents are unclear, and at times internally inconsistent. Also, women and Hispanic farmers are not being provided free legal counsel to assist them in submitting their claim forms for consideration by the USDA's designated Adjudicator.

11. In some instances the Claim Form requirements also appear to be inconsistent with USDA loan eligibility requirements. For example, on the Claim Form under the heading "DID YOU MEET BASIC USDA LOAN ELIGIBILITY REQUIREMENTS?", claimants are asked if they were ever delinquent or late on any federal debt. Claim Form at 10. Federal debt delinquency was not a requirement for the entirety of the claims period.

12. Similarly, the Claim Form asks constructive applicants to identify the "names of any commercial or agricultural banks in the area that denied you a loan(s)." Claim Form at 6. Loan denial from a commercial or agricultural bank was not a loan eligibility requirement.

I declare under penalty of perjury that the foregoing Declaration, consisting of twelve (12) sequentially numbered paragraphs, is true and correct to the best of my personal knowledge.

10/15/2012
Date

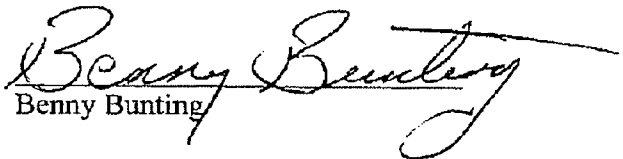

Benny Bunting

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DO NOT WRITE IN THIS AREA

Pigford, et al., v. Glickman; Civil Action No. 97-1978 D.D.C. (PLF)
Brewington, et al., v. Glickman; Civil Action No. 98-1693 D.D.C. (PLF)

CLAIM SHEET AND ELECTION FORM

Do not submit a photocopy of this form.
If you need another form, please call 1-800-646-2873.

Please type or print clearly.

PART I: CLAIMANT INFORMATION

Farmer's Name [First, Middle, Last]	(Area Code) Home Number
Spouse's Name [First, Middle, Last]	(Area Code) Business Number
Street Address	(Area Code) Fax Number
City State Zip	
Farmer's Social Security Number	Farmer's Date of Birth

If you are making this claim on behalf of an estate or a deceased person, check this box, and identify the estate or deceased person.

PART II: CLASS MEMBER QUALIFICATION

- | | Yes | No | |
|----|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Are you an African American who farmed, or attempted to farm, at anytime between January 1, 1981, and December 31, 1996? |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Between January 1, 1981, and December 31, 1996, did you apply to participate in a federal farm program with USDA? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Between January 1, 1981, and July 1, 1997, did you file a complaint of discrimination against USDA concerning treatment that you received in that application process? |

With respect to this third question, place an "X" next to each category below which describe(s) the proof that you have that you filed a complaint of discrimination.

You must attach to this Claim Sheet documentation ("proof") for each item you check. If you do not attach proof, your claim may be rejected.

- 3A. A copy of the discrimination complaint the claimant filed with USDA, or a copy of a USDA document referencing the discrimination complaint.
- 3B. A declaration executed pursuant to 28 U.S.C. § 1746 by a person who is not a member of the claimant's family and which (1) states that the declarant has first-hand knowledge that the claimant filed a discrimination complaint with USDA; and (2) describes the manner in which the discrimination complaint was filed.
- 3C. A copy of correspondence from the claimant to a member of Congress, the White House, or a state, local, or federal official averring that the claimant has been discriminated against.
- 3D. A declaration executed pursuant to 28 U.S.C. § 1746 by a person who is not a member of the claimant's family, which states that the person has first-hand knowledge that, while attending a USDA listening session, or other meeting with a USDA official or officials, the claimant was explicitly told by a USDA official that the official would investigate that specific claimant's oral complaint of discrimination.

PART III: ELECTION OF TRACK A OR TRACK B

Please check one box below to elect the form of settlement you wish to pursue. Once you have elected a form of settlement, your decision will be final and not subject to change. Because this decision has important consequences, you may wish to discuss your options with a lawyer.

- TRACK A – ADJUDICATION**
You establish by substantial evidence that discrimination occurred and receive a liquidated settlement (injunctive relief, debt relief, \$50,000 cash, and tax payment).
- TRACK B – ARBITRATION**
Your case will be determined at a future hearing by an arbitrator in a one-day binding arbitration.

PART IV: AGREEMENT TO SETTLE AND DECLARATION OF STATEMENTS

I understand that the answers to the questions above are being relied upon by the United States Government in determining my right to relief under the Equal Credit Opportunity Act and/or the Administrative Procedure Act. I elect to settle my claim in the manner indicated above and consent to allow the government to audit my file. I declare under penalty of perjury that the above answers are true and correct.

Signature of Farmer

Date

I have assisted the farmer whose name is stated above in filling out this Claim Sheet and Election Form. I declare under penalty of perjury that: (1) I believe the statements contained herein to be true; and (2) I have not and will not require the farmer to compensate me for assisting him/her.

Signature of Attorney

Date

If you have elected the Track A Adjudication process, you must complete the Track A – Adjudication Claim Affidavit part of this Claim Package.

If you have elected the Track B Arbitration process, you do not need to complete the rest of this Claim Package. You will receive a notice soon from the arbitrator's office on what to do next.

To be eligible to participate in the settlement, you must send this Claim Package postmarked no later than 180 days from the date on which the Court approves the Consent Decree to:

Claims Facilitator
P.O. Box 4390
Portland, OR 97208-4390

If you have questions on how to complete your Claim Package or how to obtain the services of a lawyer at no cost to you, please call the Claims Facilitator toll free at 1-800-646-2873.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DO NOT WRITE IN THIS AREA

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Brewington, et al., v. Glickman; Civil Action No. 98-1693 D.D.C. (PLF)

DECLARATION

TO BE FILLED OUT BY A PERSON WHO IS NOT A MEMBER OF THE
CLAIMANT'S FAMILY

Instructions: You are being asked to fill out this form in support of a farmer who is filing a claim as part of the Black Farmers' class action lawsuit against the U.S. Department of Agriculture (USDA).

Step One: Please make sure that the name in the space below is the name of the person whose claim you are supporting.

I submit this declaration in support of the claim of _____ ("claimant") under the settlement agreement of *Pigford v. Glickman*, the Black Farmers' class action lawsuit, and hereby declare that:

Step Two: You need only complete ONE of the two SECTIONS below. Please look carefully at the top of page 2 of the Claim Sheet and Election Form of the person whose claim you are supporting. If he/she checked Box 3B, please complete "SECTION 1" below only. If he/she checked Box 3D, please complete "SECTION 2" only. If you need additional space, please attach your own paper. Clearly mark all attachments with your name and SSN.

SECTION 1: TO SUPPORT NUMBER 3B ON THE CLAIM SHEET

- (a) I am not a member of the claimant's family; AND
- (b) I have first-hand knowledge that the claimant filed a discrimination complaint with USDA; AND
- (c) The manner in which the discrimination complaint was filed was as follows:

-- OR --

SECTION 2: TO SUPPORT NUMBER 3D ON THE CLAIM SHEET

- (a) I am not a member of the claimant's family; AND
- (b) I have first-hand knowledge that the claimant, while attending (check at least one box)

a USDA listening session in _____,
(City, State)

a meeting in _____ with a USDA official or officials,
(City, State)

was explicitly told by a USDA official, _____,
(Name(s) of Official) (Title(s) of Official)

that the official would investigate the specific claimant's oral complaint of discrimination.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signature

Date

Printed Name

Social Security Number of Declarant

Street Address

City, State

Zip

Form E####

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Pigford, et al., v. Glickman; Civil Action No. 97-1978 D.D.C. (PLF)
Brewington, et al., v. Glickman; Civil Action No. 98-1693 D.D.C. (PLF)

DO NOT WRITE IN THIS AREA

REQUEST FOR EXCLUSION

**READ THE ENCLOSED LEGAL NOTICE CAREFULLY
BEFORE FILLING OUT THIS FORM.**

The undersigned has read the Notice of Class Action, dated January 5, 1999, and does NOT wish to remain a member of the plaintiff class certified in the cases Pigford, et al. v. Glickman, No. 97-1978 (D.D.C.) (PLF); or Brewington, et al. v. Glickman, No. 98-1693 (D.D.C.) (PLF).

Signature of Farmer

Printed Name

_____-_____-_____
Social Security Number

Street Address

City State Zip

_____/_____/_____
Date

If you want to exclude yourself from the class, you must complete and return this form within 120 days of the date on which the Court enters the Consent Decree to:

Claims Facilitator
P.O. Box 4390
Portland, OR 97208-4390

A separate request for exclusion should be completed and timely mailed for each person or entity electing to be excluded from the class.

Exhibit B

CLAIM FORM
In re Black Farmers Discrimination Litigation
Civil Action No. 1:08-mc-0511 (PLF)

For help in completing this Form
 call us toll-free at **1-877-810-8110**
 or email **questions@blackfarmerscase.com**

Please print or type clearly in the spaces provided below. Do not use pencil, red ink or staples.

1. CLAIMANT INFORMATION

If you are filing a claim on behalf of a deceased Claimant or a Claimant who is unable to submit a claim for himself or herself due to physical or mental limitation, you must complete Section 4 of this Claim Form on the following page.

_____	_____	_____
First Name	Middle	Last Name
_____		_____
Business Name, if applicable		Email Address

Mailing Address, including apartment, unit or box number		
_____	_____	_____
City	State Zip	Primary Phone Number
_____	_____	_____
SSN or Taxpayer ID Number	Date of Birth	Additional Phone Number

Pigford Tracking Number, if known		

2. CO-CLAIMANT INFORMATION

If applicable, list all individuals who were, or would have been, co-applicants to the loan application which is the subject of this claim of unfavorable treatment

Enclose extra sheets if you need to list more than two co-applicants.

First Co-Claimant		
_____	_____	_____
First Name	Middle	Last Name
_____	_____	_____
SSN or Taxpayer ID Number	Date of Birth	Phone Number
_____		_____
Relationship to Claimant		Email Address
Second Co-Claimant		
_____	_____	_____
First Name	Middle	Last Name
_____	_____	_____
SSN or Taxpayer ID Number	Date of Birth	Phone Number
_____		_____
Relationship to Claimant		Email Address

3. CLAIMANT'S COUNSEL INFORMATION

If applicable, provide information about the lawyer representing the claimant.

_____	_____	_____
First Name	Middle	Last Name
_____		_____
Business Name, if applicable		Email Address

Mailing Address, including apartment, unit or box number		
_____	_____	_____
City	State Zip	Primary Phone Number

CLAIM FORM
In re Black Farmers Discrimination Litigation
Civil Action No. 1:08-mc-0511 (PLF)

For help in completing this Form
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 or email **questions@blackfarmerscase.com**

Section 4 Instructions: If you are submitting a claim on behalf of a deceased claimant or a claimant who is unable to submit his or her claim due to physical or mental limitation, list that claimant in Part I and complete this section with YOUR information.

4. FOR DECEASED CLAIMANTS OR THOSE WITH MENTAL OR PHYSICAL LIMITATIONS

If you are filing a claim on behalf of a deceased Claimant or a Claimant who is unable to submit a claim for himself or herself due to physical or mental limitation, you must complete one of the sections below, as applicable, with YOUR information, not the Claimant's.

The claimant is Deceased Unable to submit a claim due to mental or physical limitation

Preparer's First Name _____ Middle _____ Last Name _____

Mailing Address, including apartment, unit or box number _____

City _____ State _____ Zip _____ Primary Phone Number _____

SSN or Taxpayer ID Number _____ Date of Birth _____ Additional Phone Number _____

Email Address _____ Relationship to Claimant _____

FOR DECEASED CLAIMANTS

If you are submitting a claim on behalf of a deceased claimant, you must submit a copy of a death certificate with this Claim Form and answer these questions.

If an estate for the claimant exists, provide the estate's Taxpayer ID Number _____

Is the claimant's death certificate included with this Claim Form? Yes No

Are you the claimant's Legal Representative? Yes No

If Yes, you must submit proof of legal representation with this Claim Form.

If No, explain why you believe you will be appointed the legal representative of the claimant's estate below.

NOTE: "Legal Representative" is the person filing a claim on the claimant's behalf, not the claimant's lawyer.

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THOSE UNABLE TO SUBMIT A CLAIM DUE TO PHYSICAL OR MENTAL LIMITATIONS

If you are submitting a claim on behalf of a claimant who is unable to do so because of a disability, complete this section.

Are you the claimant's Legal Representative? Yes No

If Yes, you must submit proof of legal representation with this Claim Form.

If No, you must explain below why the claimant is unable to submit a claim on his or her own behalf and why you assert a right to do so on the claimant's behalf.

NOTE: "Legal Representative" is the person filing a claim on the claimant's behalf, not the claimant's lawyer.

.....

CLAIM FORM
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Section 5 Instructions: **Complete** this Section with information about the Claimant identified in Part 1.

5. CLASS MEMBERSHIP

You are required to answer both questions in this section to verify your eligibility for Class Membership.

- A. Did you submit a late-filing request under Section 5(g) of the Pigford Consent Decree after October 12, 1999, and before June 19, 2008?** Yes No

Section 5(g) of the Pigford Consent Decree permitted a black farmer who missed the Pigford claim deadline (October 12, 1999) to file a request to participate in the Pigford claims process late. To answer Yes above, your late-filing request must have been submitted to the Pigford Facilitator, Pigford Monitor, a Pigford Adjudicator, the Pigford Arbitrator, or the Court.

If Yes, you may need to submit independent documentary evidence of your late-filing request along with this Claim Form to the Claims Administrator. If your name appears on the Pigford Timely 5(g) List, a list maintained by the Claims Administrator with records of claimants who filed late-filing requests after October 12, 1999 and on or before September 15, 2000, then you have met this requirement and do not need to submit additional documentation of your late-filing request. Call the Claims Administrator at 1-877-810-8110 to find out if you are on the Pigford Timely 5(g) List.

If your name does not appear on the Pigford Timely 5(g) List, you must submit independent documentary evidence that establishes, by a preponderance of the evidence, that you submitted a late-filing request after October 12, 1999 and before June 19, 2008. Without this independent documentary evidence -- which must be submitted with this Claim Form -- you will not be able to participate in this case.

- B. Have you already obtained a determination on the merits of your discrimination complaint?** Yes No

You will be deemed to have a determination on the merits of your discrimination complaint and ineligible for relief if:

- Your name appears on the Pigford Participants List, a list of all claimants whose claims were heard in Pigford v. Glickman, or the Pigford Opt-Out List, a list of those claimants who opted out of Pigford v. Glickman. Call the Claims Administrator at 1-877-810-8110 to find out if you are on either of these lists.*
- You have obtained a judgment from a judicial or administrative forum on the basis of the race discrimination claim that provides the basis of your discrimination complaint; or*
- The Claims Administrator otherwise determines that you already have obtained a determination on the merits of your discrimination complaint.*

6. CLAIMANT ACKNOWLEDGEMENTS

Before your claim can be considered, you must acknowledge that you have read and understood several requirements of the claims process. Please indicate your acknowledgement by checking the boxes at the right of each statement.

- A. You acknowledge that you will be bound by the Neutral's ruling on your claim, and that the Neutral's determination will be the final determination on your claims. You forever and finally waive the right to seek review of this determination in any court or before any tribunal and forever and finally release USDA from any and all claims raised that have been or could have been raised in **In re Black Farmers Discrimination Litigation**.** Acknowledged
- B. If you submit a claim under Track A and it is determined to be meritorious by the Claims Administrator, you may receive a payment to reduce or discharge eligible outstanding United States Department of Agriculture (USDA)/Farm Service Agency (FSA) debt. This payment will be made directly to USDA/FSA on your behalf. You acknowledge this payment may not fully discharge your outstanding debts to USDA/FSA. You further acknowledge neither USDA/FSA nor the United States will forgive any debt(s) as the result of the determination in your favor. Interest on your debt will continue to accrue unless and until you fully pay your debt. USDA/FSA maintains any and all options for servicing and recovering outstanding debt, including, but not limited to, acceleration and foreclosure, except that any acceleration and foreclosure action is stayed during the pendency of this claim.** Acknowledged
- C. If you submit a claim under Track A and your claim is approved, you will receive a payment to reduce a portion of the tax liability you may incur from receipt of an award. This payment will be made directly to the Internal Revenue Service on your behalf. This may not pay all your tax liability. Notwithstanding this payment, you acknowledge that you are responsible for compliance with all applicable federal, state, and local tax requirements that arise as a result of any payment you receive on your claim. This includes payment of taxes for any cash payments, debt payments, or tax payments you may be awarded.** Acknowledged
- D. Your failure to complete this Claim Form and/or provide any necessary documentation will result in denial of your claim.** Acknowledged

CLAIM FORM

**In re Black Farmers Discrimination Litigation
Civil Action No. 1:08-mc-0511 (PLF)**

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or email **questions@blackfarmerscase.com**

Sections 7, 8 & 9 Instructions: Complete Parts 7, 8, and 9 with information about the Claimant identified in Part 1.

7. ELECTION OF TRACK A OR TRACK B

YOU MUST SELECT EITHER TRACK A OR TRACK B. After reviewing the descriptions of Track A and Track B, check one box to select the Track you wish to pursue. Your selection is final and cannot be changed, except that persons selecting Track B may switch to Track A within thirty (30) days of being notified by the Claims Administrator of the number of Track B elections.

Because this decision has important consequences, you may wish to discuss your options with a lawyer.

TRACK A
Complete Sections 8 & 10; Skip Section 9.

TRACK B
Complete Sections 8, 9 & 10.

DESCRIPTION OF TRACK A: To be eligible for relief, you must establish the elements of Track A by substantial evidence (a lower burden of proof than required for Track B). If you satisfy the requirements for Track A (Section 8 below), you are eligible for a cash payment of up to \$50,000 for credit claims, regardless of the number of credit claims you have, and/or up to \$3,000 for non-credit claims, regardless of the number of non-credit claims you have; an additional payment in recognition of outstanding USDA Farm Service Agency (USDA/FSA) Farm Loan Program debt (a *Track A Loan Award*), which will be paid directly to the USDA on your behalf; and a tax payment worth 25% of the total of the cash payment and 25% of the total of the principal amount of the debt extinguished by the Track A Loan Award you receive (a *Track A Tax Award*), which will be paid directly to the IRS on your behalf. These amounts are subject to reduction, depending on the amount of funding available and the number of prevailing claims. No payments will be made until all claims have been evaluated.

DESCRIPTION OF TRACK B: To be eligible for relief, you must establish the elements of Track B by a preponderance of the evidence (a higher burden of proof than required for Track A), largely through independent documentary evidence admissible under the Federal Rules of Evidence. If you satisfy the requirements for Track B, you are eligible for a cash payment equal to the actual damages you suffered up to \$250,000. This amount is subject to reduction, depending on the amount of funding available and the number of prevailing claims. No payments will be made until all claims have been evaluated. Under Track B, you are not eligible for a loan award or tax award.

Section 8 Instructions: For claimants selecting TRACK A or TRACK B.

8. CLAIM INFORMATION FOR TRACK A & TRACK B

To be eligible for relief, you must complete each and every question in this section, including the narrative answers.

A. Are you an African-American who farmed, or attempted to farm, between January 1, 1981, and December 31, 1996? Yes No

If Yes, describe your farming operation or how you attempted to farm by answering the following questions:

- i. How many acres did you farm or attempt to farm? _____
- ii. Describe the type and amount of crops or livestock you farmed or attempted to farm.

Attach additional sheets if needed

B. Did you own or lease, or attempt to own or lease, farm land? Yes No

- i. If Yes to Question B, identify the location (i.e., full address, cross street intersection, and/or legal description) of the farm land you owned or leased or attempted to own or lease which is the subject of this claim.
- ii. If Yes to Question B, and the acreage you owned or leased or attempted to own or lease is different from the acreage described in Question A, describe the farm land that you owned or leased or attempted to own or lease, including the type of land, acreage, and how it is different from the farm land described in Question A.
If the acreage is the same as the acreage described in Question A, write "Same."

Attach additional sheets if needed

CLAIM FORM
In re Black Farmers Discrimination Litigation
Civil Action No. 1:08-mc-0511 (PLF)

For help in completing this Form
 call us toll-free at **1-877-810-8110**
 or email **questions@blackfarmerscase.com**

Section 8 Instructions: For claimants selecting TRACK A or TRACK B.

8. CLAIM INFORMATION FOR TRACK A & TRACK B, CONTINUED

To be eligible for relief, you must complete each and every question in this section, including the narrative answers.

- C.i.** Did you apply for a specific farm credit transaction(s) or a non-credit benefit(s) at a USDA office between January 1, 1981, and December 31, 1996? Yes No
- ii.** FOR TRACK A CLAIMANTS ONLY: if you answered No to question C.i, did you constructively apply, i.e., attempt to apply, for a specific farm credit transaction(s) or non-credit benefit(s) between January 1, 1981 and December 31, 1996? Yes No

If you answered Yes to either question C.i or C.ii above, identify the type of specific farm credit transaction(s) or non-credit benefit(s) for which you applied or constructively applied:

- Operating Loan Farm Ownership Loan Emergency Loan
 Other Credit Program Other Non-Credit Program

If you answered Yes to question C.ii above, provide any information that supports your claim that you attempted to apply. The type of information that would be helpful includes:

- The year you attempted to apply and the general time period within that year (e.g., late fall, March, etc.).
- The type and amount of loan(s) or non-credit benefit(s) for which you attempted to apply.
- How you planned to use the funds (i.e., identification of crops, equipment, acreage, etc.).
- How your plans for a farm operation were consistent with farming operations in that county/area in that year.

Attach additional sheets if needed.

- If you answered Yes to question C.ii, did USDA actively discourage your application(s)? Yes No

Active discouragement includes statements by a USDA official that, at the time you wanted to apply, (a) there were no funds available and therefore no application would be provided; (b) there were no application forms available; or (c) USDA was not accepting or processing applications.

- D. FOR CLAIMANTS WHO ANSWERED YES TO QUESTION C.i ABOVE:**
 Was the farm loan(s) or non-credit benefit(s) for which you applied denied, provided late, approved for a lesser amount than requested, did it include a restrictive condition(s), or did USDA fail to provide appropriate loan service(s)? Yes No

If Yes, explain the reasons for your answer, including the type, amount and purpose of the loan or non-credit benefit applied for, the year of the application, and USDA's response to your application.

Attach additional sheets if needed.

- E.** Did USDA's treatment of your loan or non-credit benefit application(s) lead to economic loss for you? Yes No

If Yes, explain the type and amount of economic loss you suffered.

Attach additional sheets if needed.

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Section 8 Instructions: For claimants selecting TRACK A or TRACK B.

8. CLAIM INFORMATION FOR TRACK A & TRACK B, CONTINUED

To be eligible for relief, you must complete each and every question in this section, including the narrative answers.

F. Did you complain of discrimination to an official of the United States Government on or before July 1, 1997, regarding USDA's treatment of you in response to your application(s)? Yes No

If Yes, describe when and how you complained.

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.....

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Attach additional sheets if needed.

G. FOR TRACK A CLAIMANTS ONLY: Do you have eligible outstanding USDA/FSA Farm Loan Program debt? Yes No

Eligible outstanding USDA / FSA Farm Loan Program debt is debt from a loan that: (1) forms the basis of your claim; (2) was part of the same loan program as the loan that forms the basis of your claim, originated at the same time or subsequent to the loan that forms the basis of your claim but prior to January 1, 1997, and has not been the subject of an adverse administrative decision that has become final or an adverse federal or state court judgment that has become final; OR (3) has been consolidated with or restructured into a new loan.

H. FOR TRACK A CLAIMANTS ONLY: Are you seeking an additional payment to reduce eligible USDA/FSA Farm Loan Program debt? Yes No

If Yes, provide as much of the following information as possible about each eligible outstanding USDA / FSA Farm Loan Program loan.

USDA / FSA Account Number	Loan Program	Loan Number	Year Loan Obtained	USDA or FSA County Office Where Loan Obtained	Outstanding Loan Balance

You must also complete an Authorization to Disclose Debt Information Form, which can be obtained from the Claims Administrator at 1-877-810-8110.

You may also include any other evidence you would like the Neutral to consider in support of your claim.

I. Provide any additional information that you believe is relevant to your claim; attach additional sheets, if needed.

Please do not send original documents. Submit photocopies, unless originals are expressly required.

Mark attachments with your name and Social Security Number (or TIN).

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CLAIM FORM

In re Black Farmers Discrimination Litigation

Civil Action No. 1:08-mc-0511 (PLF)

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or email **questions@blackfarmerscase.com**

Section 9 Instructions: For claimants selecting TRACK B only. Do not complete this section if you selected TRACK A; continue to section 10.

9. TRACK B

It is recommended you consult an attorney to ensure your evidence supporting your claim satisfies these requirements.

ADDITIONAL INSTRUCTIONS FOR TRACK B CLAIMANTS

To obtain relief under Track B:

- You must respond to Questions A and B, below.
- For Question 8.E on page 5, you may submit expert testimony in the form of a sworn statement to support your claim of economic loss.
- You must submit independent, documentary evidence admissible under the Federal Rules of Evidence for every Question in Sections 8 and 9 of this Claim Form, except that for Question 8.F (complaint) and Question 9.B (similarly-situated white farmer), you may provide a sworn written statement based on personal knowledge by an individual who is not a member of your family.

The USDA or FSA loan application(s) and any supporting documents that form the basis of your claim are deemed admissible under the Federal Rules of Evidence when accompanied by a sworn statement that the loan application(s) and supporting documents were submitted to USDA or FSA on or about the date of the application(s). USDA or FSA documents that were provided to you in response to your loan application(s) are also deemed admissible under the Federal Rules of Evidence when accompanied by a sworn statement that you received the USDA or FSA documents in response to your loan application(s).

These questions are required for Track B.

A. Was the USDA's treatment of you less favorable than that of a similarly situated white farmer(s)?

Yes

No

If Yes: 1) identify the similarly situated white farmer(s); 2) explain how you are similarly situated with respect to your farm or ranch operations; and 3) how he or she was treated more favorably by USDA.

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B. *If your claim under Track B is approved, attorney's fees, costs, and expenses will be paid automatically to your attorney as a percentage of your award. The amount of this percentage is negotiated between you and your attorney, but may not exceed [Track B Fee Cap]. The payment of a fee under Track B is contingent upon the success of your claim.*

Indicate the fee percentage that you have negotiated with your attorney that will be paid to your attorney if your claim is successful.

_____ %

CLAIM FORM

**In re Black Farmers Discrimination Litigation
Civil Action No. 1:08-mc-0511 (PLF)**

For help in completing this Form
call us toll-free at **1-877-810-8110**
or email **questions@blackfarmerscase.com**

Section 10 Instructions: This section is required for all claimants.

10. CLAIMANT DECLARATION & SUBSTITUTE W-9

Review the Declaration & Substitute W-9, then sign and date below in the space provided.

If your claim is meritorious but you fail to complete the Substitute W-9, your award may be subject to backup withholding.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that (please check all applicable boxes):

- The answers made in this Claim Form are true and correct and all enclosures are true and correct copies.
- The number provided in Section I: Claimant Information is the correct Social Security Number or Taxpayer Identification Number for this claimant.
- The claimant is NOT subject to backup withholding because: (a) the claimant is exempt from backup withholding, or (b) the claimant has not been notified by the Internal Revenue Service (IRS) that the claimant is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the claimant that he or she is no longer subject to backup withholding.
- The claimant is a U.S. citizen or other U.S. person.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Signature of Claimant or Submitter

Date Signed

Declaration of submitting attorney, if applicable.

I swear, under penalty of perjury, that to the best of my knowledge, information, and belief formed after an inquiry reasonable under the circumstances, this claim is supported by existing law and the factual contentions have evidentiary support.

Signature of Attorney

Date Signed

Reminder Checklist

For **Track A**, complete **Sections I – 8 and 10**. For **Track B**, complete **Sections I – 10**.

Depending on your answers, **include these documents**:

- Section 4: Proof of Legal Representation (for deceased claimants or those unable to submit a claim due to mental or physical limitation);
- Section 4: Copy of Death Certificate for Deceased Claimant;
- Section 8, Question H: Completed Authorization to Disclose Debt Information Form; and/or
- Section 9, Track B Only: Independent, documentary evidence and, where permitted, sworn statements.

Submit this form by [Claim Deadline] to:

Claims Administrator
PO Box 4028
Portland, OR 97208-4028

You may enclose additional sheets with any information or evidence you believe is relevant and would like the Neutral to consider in support of your claim.

<i>For Office Use Only</i>

<i>Claim Identification Number</i>

Exhibit C

Keepseagle Claims Administrator
PO Box 3560
Portland, OR 97208-3560

Sue Sample
1231 E Main St
Tulsa, OK 73702

KEEP THIS PAGE FOR REFERENCE

CONTACT INFORMATION

Keepseagle Claims Administrator
1-888-233-5506
www.IndianFarmClass.com

IMPORTANT DATES

Month Day, 2010: Fairness Hearing
Month Day, 2010: Claims Deadline
Month Day, 2010: TBD

CLAIM FORM INSTRUCTIONS

The Claim Form consists of 7 Parts:

- Part 1: Claimant & Counsel Information
- Part 2: For Deceased Claimants or Those Unable to Submit a Claim Due to Mental or Physical Limitation
- Part 3: Claimant Acknowledgements
- Part 4: Election of Track A or Track B
- Part 5: Claim Information for Track A & Track B
- Part 6: Track B Only
- Part 7: Declaration & Substitute Form W-9

When completing the Claim Form, print clearly using blue or black ink. Please do not staple.

Never send originals of any documents you include – submit copies. **Clearly label any documents you enclose with your name and SSN.**

To be eligible for relief:

- You must submit this form by **[Claim Deadline]** to:
Keepseagle Claims Administrator
PO Box 3560
Portland, OR 97208-3560; and
- **You must sign the Claim Form in Part 7: Declaration & Substitute Form W-9 on page 8.**

The submission date is the date of postmark if sent via first-class mail, the date of deposit if sent by courier or overnight delivery, and the date of transmission if sent electronically.

Claims are limited to **one** per farm or ranch operation.

For any of your answers or statements, you may attach additional sheets for your explanation, as necessary. Clearly label any additional sheets with your name and SSN.

If you have questions, please contact us toll-free at 1-888-233-5506.

You may enclose additional sheets with any information or evidence you believe is relevant and would like the Neutral to consider in support of your claim.

CLAIM FORM

Keepseagle v. Vilsack Settlement
 Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
 call us toll-free 1-888-233-5506 or
 email questions@indianfarmclass.com.

CLAIMANT & COUNSEL INFORMATION

Claimant Information

First Name	Middle	Last Name	
Business Name, <i>if applicable</i>		Email Address	
Mailing Address, including apartment, unit or box number			
City	State	Zip	Primary Phone Number
SSN or Taxpayer ID Number	Date of Birth	Additional Phone Number	

Co-claimant Information

If applicable, list all individuals who were, or would have been, co-applicants to the loan application which is the subject of this claim of unfavorable treatment. Enclose extra sheets if you need to list more than two co-applicants.

<i>First Co-claimant</i>			
First Name	Middle	Last Name	
SSN or Taxpayer ID Number	Date of Birth	Primary Phone Number	
Relationship to Claimant		Email Address	
<i>Second Co-claimant</i>			
First Name	Middle	Last Name	
SSN or Taxpayer ID Number	Date of Birth	Primary Phone Number	
Relationship to Claimant		Email Address	

Claimant's Counsel Information

If applicable, provide information about the lawyer representing the claimant.

First Name	Middle	Last Name	
Firm Name	Email Address		
Mailing Address, including suite or floor number			
City	State	Zip	Primary Phone Number

CLAIM FORM

Keepseagle v. Vilsack Settlement
Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
call us toll-free 1-888-233-5506 or
email questions@indianfarmclass.com.

SUBMITTING A CLAIM DUE TO MENTAL OR PHYSICAL LIMITATIONS

Submitter's Information

If you are submitting a claim for a claimant who has died or is unable to submit a claim because of physical or mental limitation, list that claimant in Part 1 and complete this section with your information.

First Name	Middle	Last Name	
Mailing Address, including apartment, unit or box number			
City	State	Zip	Primary Phone Number
SSN or Taxpayer ID Number	Date of Birth	Additional Phone Number	
Email Address	Relationship to Claimant		

For Deceased Claimants

Answer these questions if submitting a claim for a deceased claimant.

Are you the legal representative of the claimant's estate? YES NO

If Yes, enclose proof of your legal representation.

If No, explain why you believe you will be appointed the legal representative of the claimant's estate below.

Do you have a death certificate for the claimant? YES NO

If Yes, include a copy of the claimant's death certificate. If No, you cannot file a claim on behalf of this claimant. You must submit documentation to prove you are the authorized representative of the Claimant's Estate before any payment can be made on this claim.

For Claimants Unable to Submit a Claim Due to Mental or Physical Limitation

Answer these questions if submitting a claim for a claimant who is unable to because of a disability.

Are you the claimant's legal representative? YES NO

If Yes, enclose proof of your legal representation.

If No, explain why the claimant is unable to submit a claim and why you assert the right to do so for him or her.

You must submit documentation proving you are an authorized representative of the claimant before any payment can be made on this claim.

CLAIM FORM

Keepseagle v. Vilsack Settlement
Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
call us toll-free 1-888-233-5506 or
email questions@indianfarmclass.com.

PART 3 CLAIMANT ACKNOWLEDGEMENTS

Before your claim can be considered, you must acknowledge that you have read and understood several requirements of the claims process. Please indicate your acknowledgement by checking the boxes at the right of each statement.

- 1. You acknowledge that you will be bound by the Neutral's ruling on your claim, and that the Neutral's determination will be the final determination on your claims. You forever and finally waive the right to seek review of this determination in any court or before any tribunal and forever and finally release USDA from any and all claims and causes of action that have been or could have been asserted against the Secretary by the proposed Class and the Class Members in the Case arising out of the conduct alleged therein. **ACKNOWLEDGED**
- 2. Some of the relief for successful claims may include payments made directly to USDA/FSA to reduce outstanding debt or payments made directly to the IRS to reduce tax liability. Notwithstanding this payment, you acknowledge you are responsible for compliance with all applicable federal, state, and local tax requirements that arise as a result of any payment you receive on your claim. This includes payment of taxes for any cash payments, debt payments, or tax payments you may be awarded. **ACKNOWLEDGED**
- 3. I did not file a claim in connection with the **Black Farmers Settlement**, *Pigford v. Vilsack*, No. 97-1978 (PLF) (D.D.C.), and will not file a claim in connection with any of the following cases: **ACKNOWLEDGED**
 - **Pigford II**, *In re Black Farmers Discrimination Litigation*, No. 08-0511 (MC) (D.D.C.);
 - **Women Farmers Settlement**, *Love v. Vilsack*, No. 02-2502 (RBW) (D.D.C.); or
 - **Hispanic Farmers Settlement**, *Garcia v. Vilsack*, No. 00-2445 (RBW) (D.D.C.).
- 4. Your failure to complete this Claim Form and/or provide any necessary documentation will result in denial of your claim. **ACKNOWLEDGED.**

PART 4 ELECTION OF TRACK A OR TRACK B

YOU MUST SELECT EITHER TRACK A OR TRACK B. After reviewing the descriptions of Track A and Track B, please check one box to select the Track that you wish to pursue. Your selection is final and cannot be changed, except that persons selecting Track B may switch to Track A within thirty (30) days of being notified by the Claims Administrator of the number of Track B elections. Because this decision has important consequences, you may wish to discuss your options with a lawyer.

- TRACK A.** Complete Parts 1 – 5, and 7. Skip Part 6.
- TRACK B.** Complete the entire Claim Form: Parts 1 – 7.

DESCRIPTION OF TRACK A. To be eligible for relief, you must establish the elements of Track A by substantial evidence; this Track carries a lower burden of proof in comparison to Track B. If you satisfy the standards for Track A, you are eligible for:

- A cash award up to \$50,000; and
- A tax payment of 25% of your cash award, paid to the IRS; and
- A payment to USDA for some or all of your outstanding USDA/FSA Farm Loan Program debt; and
- A tax payment of 25% of your debt relief award, paid to the IRS.

The amount of the cash award will be determined after all claims have been evaluated.

DESCRIPTION OF TRACK B. To be eligible for relief, you must establish the elements of Track B by a preponderance of the evidence; this track carries a higher burden of proof in comparison to Track A, largely through independent documentary evidence admissible under the Federal Rules of Evidence. If you satisfy the standards for Track B, you are eligible for:

- A cash award up to \$250,000; and
- A payment to USDA for some or all of your outstanding USDA/FSA Farm Loan Program debt; and
- A tax payment of 25% of your debt relief award, paid to the IRS.

The amount of your cash award is subject to reduction, depending on the amount of funding available and the number of prevailing claims under Track B. No payments will be made until all claims are evaluated.

Keepseagle Claims Administrator, PO Box 3560, Portland, OR 97208-3560
www.IndianFarmClass.com

CLAIM FORM

Keepseagle v. Vilsack Settlement
Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
call us toll-free 1-888-233-5506 or
email questions@indianfarmclass.com.

CLAIM INFORMATION FOR TRACK A & TRACK B

Question 1

Are you an enrolled member of a state or federally-recognized tribe? YES NO

If Yes, enclose proof of your membership. Such proof includes a copy of an official tribal document that verifies you are an enrolled member of a state or federally-recognized tribe, an ID card that identifies you as a current enrolled member of the tribe, or a letter or statement from the tribal government that names you as an enrolled member of the tribe. Proceed to Question 2.

If No, you must establish your Native American ancestry and describe in detail how you identified yourself as Native American prior to November 24, 1999, which may include a prior instance when you identified yourself as Native American to a government entity, such as the US Census Bureau.

Question 2

Did you farm or ranch, or attempt to farm or ranch, between January 1, 1981 and November 24, 1999? YES NO

If Yes, describe your farm or ranch, or how you attempted to farm or ranch; include the type and amount of crops and livestock you farmed or ranched, or attempted to farm or ranch.

Question 3

Did you own or lease, attempt to own or lease, have grazing rights on, or authorization to use farm or ranch land? YES NO

If Yes, describe the farm or ranch land you owned or leased, attempted to own or lease, had grazing rights on, or authorization to use; include the location, type of land, and acreage.

CLAIM FORM

Keepseagle v. Vilsack Settlement
Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
call us toll-free 1-888-233-5506 or
email questions@indianfarmclass.com.

CLAIM INFORMATION FOR TRACK A & TRACK B

**Questions
4, 5 & 6**

Did you apply for loan(s) or loan servicing at a USDA office between January 1, 1981 and November 24, 1999? YES NO

Were you denied an opportunity to submit application(s) for loan(s) or loan servicing, or discouraged from applying between January 1, 1981 and November 24, 1999? YES NO

Was the only instance of being denied an opportunity to submit an application or being discouraged from applying between January 1, 1997 and November 23, 1997? YES NO

Identify below the type(s) of loan(s) or loan servicing you sought. Check all that apply.

- Operating Loan Emergency Loan Farm Ownership Loan Loan Servicing

Describe in detail the circumstances that made you seek loan(s) or loan servicing from USDA; include the following:

- The year(s) you sought loan(s) or loan servicing and the general time period(s) within those year(s).
- The type(s) and amount of loan(s) you sought.
- How you planned to use the funds.
- How your plans for your farm or ranch operation were consistent with other operations in your area in those year(s).
- Where you went to seek loan(s) or loan servicing.
- If applicable, how you were denied an opportunity to submit application(s) for loan(s) or loan servicing or discouraged from applying.

**Questions
7 & 8**

Were the loan(s) or loan servicing you applied for denied, provided late, approved for a lesser amount than requested, encumbered by restrictive conditions, or did USDA fail to provide appropriate loan services, such as assistance with completing forms or restructuring of payments? YES NO

Was the only instance of conduct described in the previous Question between January 1, 1997 and November 23, 1997? YES NO

If Yes, explain the unfavorable treatment by USDA, including the year and general time period within the year.

CLAIM FORM

Keepseagle v. Vilsack Settlement
 Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
 call us toll-free 1-888-233-5506 or
 email questions@indianfarmclass.com.

CLAIM INFORMATION FOR TRACK A & TRACK B

Question 9

Did USDA's treatment of you lead to financial harm?

YES

NO

If Yes, explain the financial harm you suffered and how it was connected to USDA's treatment of you.

Question 10

During the period January 1, 1981 through June 30, 1997 or November 24, 1997 through November 24, 1999, did you file a discrimination complaint with USDA either individually or through a representative with regard to alleged discrimination?

YES

NO

If Yes, describe to whom you complained and your understanding of how the complaint would be communicated to USDA on your behalf.

Question 11

Do you have any outstanding debt, interest or penalties associated with any of the following USDA/FSA farm loan programs: operating loans, farm ownership loans, emergency loans, debts restructured under Part 1951-S or other farm loan program servicing options?

YES

NO

If Yes, you must complete the enclosed Authorization to Disclose Debt Information Form and provide as much of the following information as possible about each eligible, outstanding USDA or FSA Farm Loan Program loan.

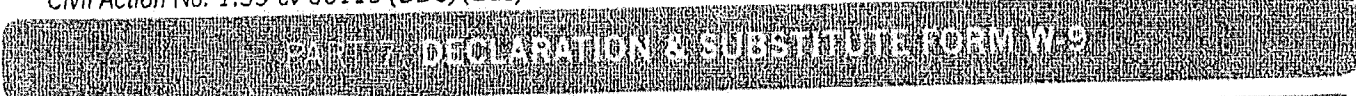
DEBT INFORMATION

Loan Program	Loan Number	Loan Amount	Interest Rate	Term	Balance

CLAIM FORM

Keepseagle v. Vilsack Settlement
Civil Action No. 1:99-cv-03119 (DDC) (EGS)

For help in completing this form,
call us toll-free 1-888-233-5506 or
email questions@indianfarmclass.com.



Claimant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the answers and statements made in this Claim Form are true and correct and all enclosures are true and correct copies; and:

1. The number provided in Part 1: Claimant & Counsel Information is the correct Social Security Number or Taxpayer Identification Number for this claimant; and
2. The claimant is NOT subject to backup withholding because: (a) the claimant is exempt from backup withholding, or (b) the claimant has not been notified by the Internal Revenue Service (IRS) that the claimant is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the claimant that he or she is no longer subject to backup withholding; and
3. The claimant is a U.S. citizen or other U.S. person.

Note: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Signature of Claimant or Submitter

Date Signed

Reminder Checklist

For **Track A**, complete **Parts 1 – 5** and **Part 7**.

For **Track B**, complete the entire Claim Form: **Parts 1 – 7**.

Depending on your answers, **enclose these documents:**

- Part 2: Proof of Legal Representation (for deceased claimant or those unable to submit a claim due to mental or physical limitation);
- Part 2: Death Certificate for Deceased Claimant;
- Part 5, Question 1: Proof of Enrolled Membership in a State or Federally-recognized tribe;
- Part 5, Question 11: completed Authorization to Disclose Debt Information Form; and/or
- Part 6, Track B Only: independent, documentary evidence and, where permitted, sworn statements.

Submit this form by [Claim Deadline] to:

Keepseagle Claims Administrator
PO Box 3560
Portland, OR 97208-3560

You may enclose additional sheets with any information or evidence you believe is relevant and would like the Neutral to consider in support of your claim.

Keepseagle Claims Administrator, PO Box 3560, Portland, OR 97208-3560
www.IndianFarmClass.com

Exhibit D

PART 1 CLAIMANT INFORMATION

Claimant Information

A. Please provide the following information regarding the person who seeks to participate in this claims process ("claimant").

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Business Name, if applicable		
<input type="text"/>		
Mailing address, including apartment, unit or box number		
<input type="text"/>		
City	State	Zip
<input type="text"/>	<input type="text"/>	<input type="text"/>
SSN or Taxpayer ID Number	Date of Birth	
<input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>	
Phone Number	Alternate Phone Number	
<input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>	
Email Address (optional)		
<input type="text"/>		

B. Please attach a photocopy of two (2) forms of identification for the claimant. A list of Acceptable Forms of Identification can be found in your Claims Package at Attachment 5.

C. Is Claimant: Dead OR Unable to submit a claim because of a disability. If either, complete Submitter Information section below.

Submitter Information

If you are submitting a claim for a claimant who is dead or unable to submit a claim due to a disability, please provide information regarding the claimant in the section above and also provide the following information regarding yourself here.

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Business name, if applicable		
<input type="text"/>		
Mailing address, including apartment, unit or box number		
<input type="text"/>		
City	State	Zip
<input type="text"/>	<input type="text"/>	<input type="text"/>
SSN or Taxpayer ID Number	Date of Birth	
<input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>	
Phone Number	Alternate Phone Number	
<input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>	
Email Address (optional)		
<input type="text"/>		

PART 1: CLAIMANT INFORMATION (continued)

1. Are you the claimant's Legal Representative?

Yes No

2. If you are the claimant's representative, you must submit the Court Order appointing you as the claimant's Legal Representative or executor of the will, power of attorney documents, or other proof of guardianship.

3. If you are submitting a claim on behalf of a dead claimant, you must submit a copy of the death certificate and answer the following questions:

a. Is the claimant's death certificate included with this Claim Form?

Yes No

b. If an estate exists for the claimant, please provide the Estate Taxpayer ID Number:

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PART 2: TIER SELECTION

There are three tiers, which are described immediately below: TIERS: 1(a), 1(b), and 2. You must select one.

What can I get if I file a successful claim?

There are three tiers for payments. Each tier provides for a different payment amount and requires that you send in, along with this completed and signed Claim Form, a different amount or type of evidence to prove your claim.

Payment Awards

TIER 1(a). If you are successful under Tier 1(a), you will receive:

- A cash award of up to \$50,000, depending on the number of successful claims;
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

TIER 1(b). If you are successful under Tier 1(b), you will receive:

- A cash award for proven actual damages (that is, for the losses you can prove) of up to \$250,000; and
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt.
- The USDA will not make any tax payment to the IRS on your behalf. You will have to pay the IRS yourself for any taxes due on your award.

TIER 2. If you are successful under Tier 2, you will receive:

- A \$50,000 cash award;
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

Go to Attachment 4 – DESCRIPTION OF TIERS – in your Claims Package for a detailed description of the Tiers.

What documents must I send with this form?

Each tier requires that you submit a different set of documents proving your claim. You also must sign and send in a Settlement Agreement (Attachment 1) included in the Claims Package.

Tier 1(a) Required Documents:

Did you submit a written farm loan or loan servicing application to USDA? If so, you must submit:

- This Claim Form and the Settlement Agreement.

Did you try to apply for a USDA loan or loan servicing, but did not submit a written application to USDA? If so, you must submit:

- This Claim Form and the Settlement Agreement; **AND**
- A sworn, verified, or notarized written witness statement from someone who witnessed USDA's discrimination against you; **OR**
- A written complaint of discrimination that you or your representative filed with the USDA within one (1) year of when you tried to apply; **OR**
- A letter or other document from a non-family member to you, or from you to a non-family member, that was written and dated within one year of when you tried to apply for a loan and that shows that you tried to apply for a farm loan or loan servicing; that you had a farm business plan which included specific crops, equipment, and the general location of the acreage; and that a USDA official actively discouraged you from applying for the farm loan or loan servicing.

PART 2: TIER SELECTION (continued)

What documents must I send with this form? (continued)

Tier 1(b) Required Documents:

- This Claim Form and the Settlement Agreement; **AND**
- A copy of the farm loan or servicing application or other documents from USDA showing that you submitted the application; **AND**
- A copy of your discrimination complaint you sent to USDA or a copy of a document from USDA or another U.S. Government official showing that they received your discrimination complaint; **AND**
- The name of a farmer who is similarly situated to you, except that person is non-Hispanic White (if you are Hispanic/Latino) or male (if you are female); **AND**
- Documents showing any actual economic damages you suffered (that is, that you spent, lost or did not make money) because of USDA's treatment of your farm loan or loan servicing application.

Tier 2 Required Documents:

- This Claim Form and the Settlement Agreement; **AND**
 - A copy of the farm loan or servicing application or other documents from USDA showing that you submitted the application; **AND**
- A copy of your discrimination complaint you sent to USDA or a copy of a document from USDA or another U.S. Government official document showing that USDA received your discrimination complaint.

Please select your tier

ONCE YOU SUBMIT THE CLAIM FORM, YOUR SELECTION IS FINAL AND CANNOT BE CHANGED. However, persons who select Tier 2 and are not eligible for an award under Tier 2 will automatically be considered for an award under Tier 1(a).

- I SELECT (Choose One): TIER 1(a) OR TIER 1(b) OR TIER 2.

PART 3: CLAIM INFORMATION

We need to know more about you and your farm to process your claim.

A. IDENTITY

1. Are you Hispanic/ Latino? Yes No
2. Are you female? Yes No

B. WHEN DID YOU OPERATE, OR TRY TO OPERATE, A FARM?

1. If you are Hispanic/Latino or female, did you farm, or try to farm, between January 1, 1981, and December 31, 1996? Yes No
2. If you are Hispanic/Latino, did you farm, or try to farm, between October 13, 1998, and October 13, 2000? Yes No
3. If you are female, did you farm, or try to farm, between October 19, 1998 and October 19, 2000? Yes No
4. If you answered "Yes" to any part of Question B above, please describe your farming operation or your effort to farm, including the type and amount of crops and/or livestock. (Attach additional pages if necessary):

C. WHEN AND WHERE DID YOU OWN OR RENT, OR TRY TO OWN OR RENT, FARM LAND?

1. If you are Hispanic/Latino or female, did you own or rent, or try to own or rent, farm land between January 1, 1981, and December 31, 1996? Yes No
2. If you are Hispanic/Latino, did you own or rent, or try to own or rent, farm land between October 13, 1998, and October 13, 2000? Yes No
3. If you are female, did you own or rent, or try to own or rent, farm land between October 19, 1998, and October 19, 2000? Yes No
4. Please check each box that applies: Owned Tried to Own Rented Tried to Rent
5. If you answered "Yes" to any part of Question C above, please describe in detail the farm land that you owned or rented or tried to own or rent, including the a) location (the full address, the crossroads, and/or the legal description), b) the type of land, and c) the acreage. (Attach additional pages if necessary).

6. If available, please provide any documentation showing that you owned or rented the farm land such as a deed, a lease, an easement, a purchase agreement, equipment receipts, or other proof. (Attach additional pages if necessary).

If you answered "No" to all the questions in Questions A, B & C above, you are not eligible for this claims process.

PART 3 CLAIM INFORMATION (continued)

We need to know more about your application or attempts to apply.

D. DID YOU COMPLETE AND SUBMIT A LOAN APPLICATION TO USDA?

1. Did you complete and submit a written application to USDA for one or more farm loans or for farm loan servicing during any of the following time periods:
 - a. If you are Hispanic/Latino or female, between January 1, 1981, and December 31, 1996? Yes No
 - b. If you are Hispanic/Latino, between October 13, 1998, and October 13, 2000? OR Yes No
 - c. If you are female, between October 19, 1998, and October 19, 2000? Yes No
2. If you answered "Yes" to any part of Question D, did you withdraw the application before USDA made a decision on the application? Yes No
3. **TIER 1(b) and TIER 2 ONLY:** If you seek payment under Tier 1(b) or Tier 2, and you answered "Yes" to any part of Question D above, you must:
 - a. Attach a copy of the farm loan or loan servicing application or other documents from USDA showing that you submitted the application; **AND**
 - b. You must also attach a sworn statement, signed under the penalty of perjury, swearing that the document is authentic, and stating when you submitted it to USDA, or when you received it from USDA.

E. ATTEMPTED APPLICATION - TIER 1(a) ONLY

1. If you seek payment under Tier 1(a) and you answered "No" to all parts of Question D, did you try to submit a written application to USDA for one or more farm loans or for farm loan servicing during any of the following time periods:
 - a. If you are Hispanic/Latino or female, between January 1, 1981, and December 31, 1996? Yes No
 - b. If you are Hispanic/Latino, between October 13, 1998, and October 13, 2000? OR Yes No
 - c. If you are female, between October 19, 1998, and October 19, 2000? Yes No
2. For each time you tried to apply, please provide the following information:
 - a. The year(s) and month(s) you tried to apply;

 - b. How you planned to use the funds (i.e., identify crops, livestock, equipment, acreage, etc. that you would have farmed or purchased for your farm business);

 - c. The location of the FSA or Farmers Home Administration ("FmHA") county office where you sought the loan(s);

 - d. The name of any commercial or agricultural banks in the area that denied you a loan(s);

PART 3 CLAIM INFORMATION (continued)

We need to know more about your application or attempts to apply.

e. When you tried to apply, did a USDA official state that:

- i. There were no funds available and no application would be provided; Yes No
- ii. There were no application forms available; Yes No
- iii. USDA was not accepting or processing applications; OR Yes No
- iv. You would not qualify for a loan or loan servicing and therefore should not apply? Yes No

3. If you answered "Yes" to any of the subparts (i.) through (iv.) above, please describe in detail each incident, including when you asked for an application, and what USDA told you. (Attach additional pages if necessary):

4. If you answered "Yes" to any of the subparts (i.) through (iv.) above, you must attach one of the following documents:

- A sworn, verified, or notarized written witness statement from someone who witnessed USDA's discrimination against you; **OR**
- A written complaint of the alleged discrimination that you or your representative filed with the USDA within one (1) year of when you tried to apply; **OR**
- A letter or other document from a non-family member to you, or from you to a non-family member, that was written and dated within one year of when you tried to apply for a loan and that shows that you tried to apply for a farm loan or loan servicing; that you had a farm business plan which included specific crops, livestock, equipment, and the general location of the acreage; and that the USDA official actively discouraged the application in the manner you describe above.

A complaint "filed with the USDA" includes a complaint sent to another person if you can show that the person who received the complaint forwarded it to USDA. The Claims Adjudicator will consider all available evidence, including statements made to you about forwarding the complaint to USDA and the way that government officials normally conduct business.

F. IN WHAT CAPACITY DID YOU APPLY?

1. If you applied or tried to apply for USDA farm loans or loan servicing, did you do so:

- a. For yourself (individually)? Yes No
- b. As a sole proprietor? Yes No
- c. On behalf of a corporation, business partnership, or other business entity? Yes No
 - i. If so, please state the form of business: _____
- d. With a spouse or other person? Yes No

PART 3: CLAIM INFORMATION (continued)

We need to know more about the loan you were seeking and the potential discrimination.

G. WHAT TYPE OF LOAN(S) OR LOAN SERVICING DID YOU SEEK FROM USDA?

1. Identify the type of farm loan(s) that you requested or tried to request from USDA:

- | | | |
|---|--|--|
| <input type="checkbox"/> Operating Loan (OL) | <input type="checkbox"/> Soil and Water (SW) | <input type="checkbox"/> Economic Emergency (EE) |
| <input type="checkbox"/> Farm Ownership Loan (FO) | <input type="checkbox"/> Emergency Loan (EM) | |

2. When did you apply or try to apply for the loan? (Attach additional pages if necessary).

3. Where was the USDA office located? (Attach additional pages if necessary).

4. Identify the type of loan servicing that you requested or tried to request from USDA.

- | | |
|--|---|
| <input type="checkbox"/> Consolidation | <input type="checkbox"/> Deferral of payments |
| <input type="checkbox"/> Restructuring | <input type="checkbox"/> Rescheduling |
| <input type="checkbox"/> Other (explain below) | |

5. When did you apply or try to apply for the loan servicing? (Attach additional pages if necessary).

6. Where was the USDA office located? (Attach additional pages if necessary).

PART 3 CLAIM INFORMATION (continued)

We need to know more about the loan you were seeking and the potential discrimination.

H. DID YOU MEET BASIC USDA LOAN ELIGIBILITY REQUIREMENTS?

1. At the time you applied or tried to apply for a USDA farm loan:
- a. Did you have prior experience owning a farm, running a farm, working on a farm, managing a farm business, or did you have farm training or education? Yes No
 - b. If you answered "YES" above, please describe your prior farm experience(s), training or education. (Attach additional pages if necessary).

2. Were you: a citizen of the United States? Yes No or a legal resident alien? Yes No
- a. If you were not a U.S. citizen or a legal resident alien, please explain your immigration status when you applied or tried to apply for the loan.

3. Were you over 18 years old? Yes No
4. Were you delinquent or late on any federal debt? Yes No
5. Had you ever received debt forgiveness (write-down or write-off your loan) from USDA? Yes No
- a. If you received debt forgiveness, please list all instances when USDA provided loan forgiveness or write-downs of the loans, except when your debt was paid off by USDA to resolve a discrimination claim by you. (Attach additional pages if necessary).

6. Had you ever been convicted of planting, cultivating, growing, producing, harvesting, or storing an illegal substance (for example, marijuana or another drug) under federal or state law? Yes No
- a. If you had been convicted of any such crime, please provide a brief explanation of what happened. (Attach additional pages if necessary).

PART 3: CLAIM INFORMATION (continued)

We need to know more about the loan you were seeking and the potential discrimination.

I. WHAT WAS THE RESULT OF THE LOAN APPLICATION?

1. If you completed and submitted an application to USDA for one or more farm loans or for loan servicing, do any of the following apply?
 - a. Your application for a farm loan was denied. Yes No
 - b. You were approved for a loan amount that was less than you requested or was approved late. Yes No
 - c. The loan you were approved for had restrictive conditions. Yes No
 - d. USDA failed to provide appropriate loan servicing on your existing USDA loan. Yes No
2. If you answered "YES" to any subpart of Question I, please provide specific facts about USDA's response to the loan or loan servicing application. (Attach additional sheets if necessary.)

J. DO YOU BELIEVE THAT USDA DISCRIMINATED AGAINST YOU?

1. Do you believe that USDA discriminated against you because you are Hispanic or Latino? Yes No
2. Do you believe that USDA discriminated against you because you are female? Yes No
3. **If you seek payment under Tier 2, you must list specific facts showing that USDA's action was due to discrimination.** Describe the reasons why you believe USDA discriminated against you, including anything USDA said or wrote to you or actions USDA took. (Attach additional pages if necessary).

4. **For Tier 1(b) claimants only.** If you seek payment under Tier 1(b), do you believe that USDA treated a similarly situated non-Hispanic White farmer (if you are Hispanic), or a similarly situated male farmer (if you are female) better than you? Yes No

PART 3: CLAIM INFORMATION (continued)

We need to know more about the loan you were seeking and the potential discrimination.

5. If you seek payment under Tier 1(b), please:

- a. Identify the similarly situated farmer(s): _____
- b. Explain in detail how you were like that person with respect to your farm operation; **AND**

- c. Describe how USDA's treatment of your loan application was less favorable than the way USDA treated that farmer. You may meet this requirement with a signed statement based on personal knowledge from someone who is not your family member. (Attach additional pages if necessary.)

K. DID YOU SUFFER ECONOMIC DAMAGE?

- 1. Did USDA's treatment of the loan or loan servicing application(s) or of the attempt to apply, cause you economic damage (that is, to spend, lose or not make money)? Yes No
- 2. If you answered "YES" to Question K, please explain the type of economic damages that you suffered. (Attach additional sheets if necessary.)

- 3. If you seek payment under Tier 1(b), please specify the amount of damages you suffered and the facts involved.

- 4. Please also list below any documents supporting the amount of economic damages you believe you suffered. Also, attach the documents to your Claim Form. To meet the documentation requirement for Tier 1(b), you may provide the written testimony of an expert witness that you hire to help support your damages claim.

L. DID YOU FILE A DISCRIMINATION COMPLAINT WITH USDA?

- 1. If you seek payment under Tier 1(a) or Tier 2, did you file a written discrimination complaint about your loan or loan servicing application with USDA or with a U.S. Government official during the period January 1, 1981, through June 30, 1997 or during the periods October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers) regarding USDA's treatment of you in response to the application? This may include discrimination complaints that you filed yourself or that someone else filed for you. Yes No
- 2. If you answered "YES," state when you or your representative filed the complaint, which U.S. Government official or agency you filed it with, and the outcome (if any).

PART 3 CLAIM INFORMATION (continued)

We need to know more about the loan you were seeking and the potential discrimination.

3. If you seek payment under Tier 2 and you answered "Yes" to Question L.1., you must attach a copy of the complaint or of a document from USDA or another U.S. Government official showing that they received your discrimination complaint.

Yes No

4. If you seek payment under Tier 1(b), did you complain about discrimination to a U.S. Government official before July 1, 1997, or during the period of January 1, 1981, through June 30, 1997 or the periods October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers) before July 1, 1997, about your loan or loan servicing application?

a. If you answered "Yes" to this question:

- You must attach a copy of a written complaint that you sent to a U.S. Government official, or of a document from a U.S. Government official showing that they received your complaint; **OR**
- You must attach a signed statement by someone who is not your family member who has personal knowledge about your discrimination complaint.

M. HAVE YOU FILED A COMPLAINT IN COURT REGARDING USDA LOAN DISCRIMINATION?

1. Have you filed a discrimination complaint against USDA in any court or tribunal regarding a loan application?

Yes No

2. If you answered "YES," please provide the following information:

a. Date of your court or tribunal complaint

- -

b. Name of court or tribunal

c. Docket Number

d. Has your complaint been heard and decided, adjudicated, resolved or dismissed?

Yes No

e. If available, please attach copies of your court complaint, any dismissal of that complaint, and/or any final decision regarding your complaint.

N. HAS YOUR SPOUSE, OTHER FAMILY MEMBER, OR OTHER PERSON ON YOUR BEHALF SUBMITTED A CLAIM IN ANOTHER USDA SETTLEMENT PROGRAM?

1. Has your spouse or any other family member, or any other person acting for you filed a claim with USDA or in a court or tribunal, or filed a claim in a settlement seeking relief for discrimination, concerning the same loan or loan service you are complaining about in this Claim Form?

Yes No

2. If you answered "YES," please provide the case number, a copy of the claim if available, or any other information about that claim and any final decision on it. (Attach additional pages if necessary).

PART 4: ACKNOWLEDGEMENTS

Information you must understand and agree to.

In order to participate in this claims process, you must agree to the following requirements. After you review each requirement, please indicate whether you agree by checking the box to the right of it.

- A. Your claim(s) will be processed by the Administrator and will be decided by the Adjudicator, and their decisions will be binding and final. You waive the right to seek review of these determinations in any court or before any tribunal. Yes, I agree.
- B. In order to participate in the claims process, you must give up all claims of lending discrimination against USDA that arose during the time period covered by the claims process. If you are claiming discrimination based on being Hispanic, that time period is between January 1, 1981, and December 31, 1996, or between October 13, 1998, and October 13, 2000. If you are claiming discrimination based on being a woman, that time period is between January 1, 1981, and December 31, 1996, or between October 19, 1998, and October 19, 2000. A Settlement Agreement (Attachment 1) waiving such claims is included in the Claims Package. You must also dismiss with prejudice any claims you have filed against USDA in any court or administrative proceeding alleging the same discrimination as alleged in this Claim Form. This means that you must give up your complaint and will not be able to file another case based on the same claim(s) in any court or before any tribunal. Yes, I agree.
- C. If your claim is approved, you may receive a cash award of up to \$250,000, depending upon the Tier you choose. If you currently have debt with USDA/Farm Service Agency from the time period in Acknowledgment B (above), you may also be eligible for debt relief for part or all of that debt. Such relief may not cancel your remaining debts to USDA/FSA in full. Yes, I agree.
- D. If your claim is approved, an additional payment may be made on your behalf to the IRS to reduce the taxes you may owe on the cash award and any debt relief you receive, depending upon the Tier under which you seek to recover. This payment is not intended to completely pay off all taxes that you may owe as a result of a successful claim. It is your responsibility to pay any taxes that result from a successful claim. Yes, I agree.
- E. You must complete the Claim Form and provide all necessary documentation. Yes, I agree.
- F. If you are both Hispanic and female, you can file only one claim in this claims process. If your claim is approved, you can receive only one recovery through the claims process. Yes, I agree.
- G. If more than one claimant operates a single farm operation, only one claim can be filed, and only one recovery is available through the claims process. Yes, I agree.
- H. No claim will be accepted if you, your spouse, or anyone on your behalf participated in any of the following cases or settlements: *Pigford v. Glickman*, Nos. 97-1978, 98-1693 (D.D.C.) ("*Pigford*"); *In re Black Farmers Discrimination Litigation*, No. 08-0511 (D.D.C.) ("*Pigford II*"); *Keepseagle v. Vilsack*, No. 99-3119 (D.D.C.) ("*Keepseagle*"). Yes, I agree.

PART 5: DECLARATION

Claimant's Declaration

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the information contained in the foregoing Claim Form is true and correct, and that any documents submitted along with the Claim Form are true and accurate copies of such documents.

By signing this Claim Form, I certify that:

1. The number shown on this Claim Form is the claimant's correct Social Security Number or Taxpayer Identification Number, AND
2. The claimant is NOT subject to backup withholding because: (a) the claimant is exempt from backup withholding, or (b) the claimant has not been notified by the Internal Revenue Service (IRS) that the claimant is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the claimant that he or she is no longer subject to backup withholding; AND
3. The claimant is a U.S. citizen or other U.S. person.

Note: You must cross out item 2 above, if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Signature of Claimant/Submitter

Signed: - -
 MM DD YY

Attorney's Declaration

If the claim is filed by an attorney on behalf of a claimant:

I swear under penalty of perjury, that to the best of my knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law, and the factual contentions have evidentiary support.

Signature of Attorney

Today's Date: - -
 MM DD YY

Attorney First Name

MI

Last Name

Firm Name (if applicable)

Mailing Address

City

State

Zip Code

Phone Number

 - -

Alternate Phone Number

 - -

Email Address (optional)

THE CLAIMS DEADLINE IS MARCH 25, 2013

INTRODUCTION

This Settlement Agreement (Agreement) is entered into by and between the undersigned (Claimant) and the United States Department of Agriculture (USDA) (collectively, the Parties).

As set forth in the "Framework for Hispanic or Female Farmers' Claims Process" (Framework), the United States has established a voluntary administrative claims process (Claims Process) to resolve claims of certain Hispanic or female farmers who allege discrimination by the USDA in responding to applications for farm loans or loan servicing (credit-related discrimination) during certain time periods.

Claimant, a farmer who alleges credit-related discrimination due to being female or Hispanic by USDA during those time periods, desires to participate in the Claims Process by filing a Claim in accordance with the terms and conditions of the Framework.

It is in the Parties' mutual interests to resolve such allegations and claims through the Claims Process.

Accordingly, the Parties agree as follows:

TERMS

- 1. Submission of Claim.** Within the time allowed under the Framework, Claimant will submit a completed and signed Claim Form and all documents and information required by the Framework (Claim Package), including the original of this Agreement. If any claims of credit-related discrimination by Claimant against USDA are pending in any court or administrative proceeding, this Claim Package must also include a signed Stipulation or Notice of Dismissal with Prejudice, whichever is appropriate, for such claims. For Claim Packages that have been forwarded by the Administrator to the Adjudicator, the Administrator will file the Stipulation or Notice of Dismissal in the court or other tribunal.
- 2. Ruling on Claim.** The decisions made by the Administrator and the Adjudicator on the Claim are final and binding upon Claimant and USDA, and neither party shall have a right of appeal to any court or other entity. Claimant's participation in the Claims Process in accordance with the Framework is the sole consideration from USDA to Claimant under this Agreement. Claimant will not seek any payment of compensation or damages, attorneys' fees, costs or expenses beyond that which is available through this Claims Process as set forth in the Framework.
- 3. Release.** In exchange for the consideration described in the foregoing Paragraphs, Claimant and his or her heirs, administrators, successors, assigns and representatives hereby release and forever discharge the United States, USDA and any department, agency, or establishment thereof, and any current or former officers, employees, agents, or successors thereof, in their official and individual capacities, from any credit-related discrimination claims, whether known or unknown, suspected or unsuspected, for compensation or damages, attorneys' fees, expenses or costs incurred. If a Claim Package is rejected by the Administrator as untimely, or is determined by the Administrator to be timely but incomplete, and Claimant does not submit a complete Claim Package within the time allowed under the Framework, such claims against USDA will not be released.
- 4. Merger.** The Terms of this Agreement constitute the entire agreement of the Parties with respect to compensation or damages, attorneys' fees, expenses and costs; and no statement, remark, agreement, or understanding, oral or written, that is not contained herein shall be recognized or enforced.
- 5. No Admissions.** This Agreement enables the Parties to resolve, without the time and expense of litigation, their dispute regarding Claimant's allegations and claims of credit-related discrimination by USDA.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

USDA Hispanic & Women Farmers and Ranchers
Claims Administrator
P.O. Box 4540
Portland, OR 97208-4540

**ATTACHMENT 1:
SETTLEMENT AGREEMENT**

THE CLAIMS DEADLINE IS MARCH 25, 2013

This Agreement is not intended, and shall not be construed, as an admission by USDA of the truth of any allegation or of the validity of any claim asserted by Claimant, or liability on such claim; nor is it a concession or an admission by USDA of any fault or omission in any act or failure to act. Neither shall any of the terms hereof be offered or received in evidence, or filed or referred to in any court or administrative proceeding, or construed for any purpose whatsoever as an admission or presumption of wrongdoing on the part of USDA or its agents or employees.

6. Amendments. If the Claim Package is forwarded by the Administrator to the Adjudicator, this Agreement shall not be modified or amended except by an instrument in writing signed by the Parties; nor shall any provision hereof be waived other than by a writing expressly setting forth such waiver and signed by the Party to be charged with such waiver.

7. Acknowledgments. Claimant acknowledges that he or she has read this Agreement, understands its contents, and executes it of his or her own free act and deed.

CLAIMANT:

Signature _____ Date _____
Name: _____
Address: _____
Telephone: _____
Email: _____

If Claimant is represented by counsel:

BY COUNSEL FOR CLAIMANT:

Signature _____ Date _____
Name: _____
Address: _____
Telephone: _____
Email: _____

UNITED STATES OF AMERICA:

BY COUNSEL:

Signature _____ Date _____
Name: _____
Address: _____
Telephone: _____
Email: _____

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

PART I REQUEST TO UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY (USDA/FSA)

Claimant's Last Name:	Claimant's First Name:	Claimant's Middle Name:	Claimant's Suffix:
-----------------------	------------------------	-------------------------	--------------------

Claimant's Full Address (including zip code):	Claimant's Social Security/Taxpayer I.D. Number:
---	--

Address or Other Description of Farm Property that is the Subject of the Claim:	Claimant's USDA/FSA Account Number(s):
---	--

I hereby request and authorize USDA/FSA to provide the information about my outstanding USDA/FSA Farm Loan Program loans to the Claims Administrator in the USDA Hispanic & Women Farmers and Ranchers Claims Resolution Process. I acknowledge and understand that filing a claim or submitting this form does not mean that USDA/FSA will reduce, discharge, or forgive my debt and that interest on my debt will continue to accrue unless and until I have paid the debt in full.

Claimant's Signature: _____ Date: _____

Contact Information for Claims Administrator (name, address, and phone number):
 USDA Hispanic & Women Farmers and Ranchers, Claims Administrator, PO BOX 4540, Portland, Oregon 97208-4540 (toll free at 1-888-508-4429)

PART II USDA/FSA RESPONSE TO CLAIMS ADMINISTRATOR

This Response is as of:					
LOAN NUMBER	BORROWER CASE NUMBER	PRINCIPAL BALANCE	INTEREST BALANCE	TOTAL	DAILY INTEREST ACCRUAL
USDA/FSA Authorizing Official Signature:				Date Prepared:	Page # of #

THE CLAIMS DEADLINE IS MARCH 25, 2013

Si desea una copia de este paquete de reclamación en español, por favor llame gratis al 1-888-508-4429.

INSTRUCTIONS

Please follow the instructions below in completing your Claim Form:

1. You must complete all five (5) parts of the Claim Form and sign it, provide all requested documents and sign the Settlement Agreement for your claim to be considered for an award.
2. When completing the Claim Form, print clearly using blue or black ink. Please do not staple.
3. Never send originals of any documents you include – submit copies. Clearly label any documents you enclose with your name and SSN.
4. Your Claim Form must be returned postmarked no later than March 25, 2013 to:

Claims Administrator
PO Box 4540
Portland, OR 97208-4540

5. The return date is (i) the date of postmark if sent via first-class mail, or (ii) the date of deposit if sent by courier or overnight delivery.
6. Claims are limited to one (1) per farm operation.
7. For any of your answers or statements, you may attach additional sheets for your explanation, as necessary. Clearly label any additional sheets with your name and SSN.
8. If you have questions, please contact the Claims Administrator toll-free at **1-888-508-4429**.

SUMMARY

This summary provides an overview of the five (5) parts of the Claim Form:

PART 1 – CLAIMANT INFORMATION

1. This section asks for basic information about the Claimant.
2. You must complete the Claimant Information section about the person seeking to participate in the Claims Process.
3. You must keep the Claims Administrator informed about any changes in your mailing address and telephone number because that is the information that the Claims Administrator will use to contact you about your claim.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

SUMMARY (continued)

4. Please complete the Submitter Information with your information if the Claimant is dead or unable to fill out his or her own Claim Form due to a disability.
5. If you are the Claimant's Legal Representative, you must submit the Court Order appointing you as the Claimant's Legal Representative or executor of the will, power of attorney documents, or other proof of guardianship.
6. If you are submitting a claim on behalf of a dead Claimant, you must submit a copy of the death certificate.

PART 2 – TIER SELECTION

1. There are three tiers for payments. In this part, you must make your selection. **Once you submit the Claim Form, your selection is final.**
2. You may only choose to participate in one (1) Tier.

PART 3 – CLAIM INFORMATION

1. Please answer all questions and provide details to support your claim.
2. Please provide all requested documents.

PART 4 – ACKNOWLEDGEMENTS

You must agree to all eight (8) statements in the Claim Form for your claim to be considered:

1. Acknowledgement A – Finality - This acknowledgement states that all decisions by the Administrator (Epiq Systems, Inc.) or the Adjudicator (JAMS, Inc.) are final. Neither the Claimant nor USDA can appeal decisions made by the Administrator or the Adjudicator.
2. Acknowledgement B – Release of rights - This acknowledgement states that you give up the right to file a lawsuit on your claims of USDA farm loan discrimination that arose during the same time period covered by this Claims Process. You must sign the Settlement Agreement included in your Claim Package.
3. Acknowledgement C – Awards - This acknowledgement states the maximum monetary award depending on the Tier you choose. It also states that successful Claimants who currently hold debt with the Farm Service Agency ("FSA") may be eligible for debt forgiveness on certain qualifying loans.
4. Acknowledgement D – Taxes - This acknowledgement states that successful Claimants may receive an additional payment for taxes under Tiers 1(a) and 2. This payment is not intended to pay all of your taxes.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

SUMMARY (continued)

5. Acknowledgement E – Documentation - If specific documentation is required on the Claim Form, you must submit the documentation.
6. Acknowledgement F – Single recovery - An individual who is both Hispanic and female can only recover once in this process.
7. Acknowledgement G – One Claim - The Claims Process provides for only one payment for each farm operation with a successful claim.
8. Acknowledgement H – Other Actions - If you, a spouse, or anyone on your behalf has already participated in Pigford I, In re Black Farmers Discrimination Litigation, or Keepseagle by filing a claim, then you cannot participate in this program and any claim filed will be denied.

PART 5 – DECLARATION

1. In this part, you must sign the Claim Form.
2. If an attorney assists you in completing and submitting this Claim Form, the attorney must also sign the Claim Form. Note that you are not required to have an attorney assist you.

DEFINITIONS

Administrator (also referred to as the Claims Administrator) – The neutral party who will process the Claim Package that you submit. For this process, the Administrator is Epiq Systems, Inc.

Adjudicator (also referred to as the Claims Adjudicator) – The neutral party who will decide whether Claimants in this Claims Process will receive an award and if so, what type of award (cash award, debt relief, tax relief) and how much. For this process, the Adjudicator is JAMS, Inc.

Co-Applicant – An individual who jointly applied to the USDA for a farm loan or loan servicing with a Claimant to this Claims Process. Claims from individuals who jointly own and operate a farm together will be treated as one claim in this process.

Debt forgiveness – USDA actions to cancel all, or part of, your existing farm loan debt.

Economic damages – Include any amount of money that you had to spend, lost or did not make because of the alleged USDA discrimination.

Farm/Farmer – Ranch operations and ranchers are also eligible for this Claims Process. Where farm or farmers appears in this Claim Form, it also includes ranches and ranchers.

Loan Servicing – USDA actions on an existing USDA farm loan, including loan consolidation, restructuring, rescheduling, deferral of payments, or other services.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

DEFINITIONS (continued)

Participation in other USDA settlements or other proceedings – “Participated in” means that you, a spouse, or anyone on your behalf asserted a claim in Pigford I, In re Black Farmers Discrimination Litigation (“Pigford II”), or Keepseagle. Claim Packages submitted for consideration in this Claims Process by persons who participated in Pigford I or Pigford II will be disallowed by the Claims Administrator. Native American farmers who are also Hispanic or female cannot participate in this Claims Process and Keepseagle with respect to the same underlying claim of discrimination. “Participated in” also means that a farmer asserted a claim in any other administrative or civil proceeding alleging lending discrimination by USDA during the Relevant Period and received a final resolution of the claim. The Claims Administrator will check your name and the address of your farm to determine whether you filed a claim or a claim was filed on your behalf in these other cases or other administrative or civil proceedings.

Preponderance of the evidence standard – Evidence (for example, documents or sworn statements) that proves that something is more likely true than not true.

Relevant Period for Discrimination –

January 1, 1981 – December 31, 1996 – All Claimants

October 13, 1998 – October 13, 2000 – Hispanic Claimants only

October 19, 1998 – October 19, 2000 – Female Claimants only

Settlement Agreement – A document contained in your Claim Package that you must sign and submit for your claim to be considered. By signing the Settlement Agreement, you are waiving your right to sue USDA or the U.S. Government for lending discrimination that happened during the same time period covered by this Claims Process.

Similarly situated farmer or rancher – It means a farmer or rancher who is like you and had a similar farm or ranch, but is of a different race, ethnicity or gender.

Sole proprietor – Someone who owns and runs a business by himself or herself.

Substantial evidence standard – Evidence that a reasonable person might accept as adequate to support a conclusion after taking into account other evidence that does not support that conclusion.

Sworn, verified, or notarized written witness statement – A document that states facts that an individual swears to be true and accurate. Such statements are often signed and stamped by a notary public.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

Before submitting your Claim Form, please ensure that you have provided all the required documents. Failure to provide all the required documents may result in a delay or denial of your claim.

Proof of Identity

- Photocopies of two (2) forms of identification (see Acceptable Forms of Identification – Attachment 5 for specific requirements)

For Persons Submitting A Claim On Behalf Of Another Person

- Proof of Legal Representation
 Death Certificate, if applicable

Settlement Agreement

- Signed copy of the Settlement Agreement (Attachment 1)

Tier Election

- I selected either Tier 1(a), Tier 1(b), or Tier 2
 I did not select more than one

For All Tiers

- Documentation of farm land ownership interest, if available
 Copies of the Court Complaint, Dismissal, and/or Decision, if available
 Documentation of prior claims against USDA, if applicable
 Authorization to Disclose Debt Information Form (Attachment 2), if Debt Relief is requested
 Signed copy of the Stipulation or Notice of Dismissal with Prejudice for any claims pending in any court or tribunal, if applicable

Tier 1(a) (Attempted Application Only)

- A sworn, verified, or notarized witness statement, **OR** a contemporaneous written discrimination complaint to USDA, **OR** a document from a non-family member to you, or from you to a non-family member that supports your contentions

Tier 1(b)

- Copy of the Loan Application or a USDA document that shows that you applied **AND** a sworn statement that the document is authentic
 Copy of your discrimination complaint you sent to USDA or a copy of a document from USDA **OR** another U.S. Government official showing that they received your discrimination complaint **OR** a signed statement by someone who is not your family member who has personal knowledge about your discrimination complaint
 Documents showing the actual economic damages you suffered

Tier 2

- Copy of the Loan Application or a USDA document that shows that you applied **AND** a sworn statement that the document is authentic
 Copy of your discrimination complaint you sent to USDA or a copy of a document from USDA **OR** another U.S. Government official showing that they received your discrimination complaint

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

TIER 1(a)

To be eligible for payment under Tier 1(a), you must establish the elements in Section VIII.B. of the Framework by substantial evidence. If you establish the elements for Tier 1(a), you will receive:

- A cash award of up to \$50,000, depending on the number of successful claims;
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

The dollar amount of Tier 1(a) cash awards will be the same for each successful Claimant, and will be determined after all Tier 1(a) claims have been adjudicated. The dollar amount for each award is subject to reduction from \$50,000 depending on the total number of successful claims under Tier 1(a). No payments will be made under Tier 1(a) until all Tier 1(a) claims have been decided. Tier 1(a) is the only Tier under which Claimants **who sought to apply for a USDA loan but were actively discouraged from submitting an application** may be eligible for payment.

TIER 1(b)

To be eligible for payment under Tier 1(b), you must establish the elements in Section VIII.C. of the Framework by a preponderance of the evidence and (except as provided below) through independent documentary evidence admissible under the Federal Rules of Evidence. You must also:

- 1) provide a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application;
- 2) establish that you complained of discrimination to an official of the U.S. Government prior to July 1, 1997 or between October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers);
- 3) establish that the treatment of your application for a loan or loan servicing was less favorable than that accorded a specifically identified, similarly situated non-Hispanic Caucasian farmer (if you are Hispanic) or male farmer (if you are female); and
- 4) establish that USDA's treatment of the loan or loan servicing application caused you economic damage.

You may submit expert testimony to explain the independent documentary evidence showing your economic damage. Items 2 and 3 may be established by a preponderance of the evidence with a sworn statement based on personal knowledge by an individual who is not a member of your family. Your loan application and supporting documents forming the basis of your claim are deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that these documents were submitted to USDA contemporaneously with the date of the complete application. USDA documents that were provided to you in response to your loan application are also deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that you received these USDA documents in response to your loan application contemporaneously with the date of the response.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

THE CLAIMS DEADLINE IS MARCH 25, 2013

TIER 1(b) (continued)

If you establish the elements for Tier 1(b), you will receive:

- A cash award of up to \$250,000 for proven actual damages; and
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt.
- No tax payment will be made.

Total payments under Tier 1(b) are subject to a \$100 million cap, and awards may be reduced from \$250,000 on a pro-rata basis depending on the number of successful Claimants and the total dollar amounts of their actual damages.

TIER 2

To be eligible for payment under Tier 2, you must establish the elements in Section VIII.A. of the Framework by substantial evidence, and also provide:

- 1) a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application;
- 2) a copy of a discrimination complaint that was filed with USDA or a U.S. Government official by July 1, 1997 or between October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers); or a document or correspondence from a U.S. Government agency acknowledging receipt (or otherwise reflecting the filing) of such complaint; and
- 3) specific facts showing that the USDA action was due to discrimination.

If you meet the elements for Tier 2, you will receive:

- A \$50,000 cash award;
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

If you select Tier 2 and your claim is denied by the Claims Adjudicator, it will automatically be reviewed under Tier 1(a).

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

When submitting your Claim Form, you must include photocopies of TWO (2) acceptable forms of identification. The following are acceptable forms of identification:

- U.S. Passport
- Driver's License or ID card issued by a state or possession of the United States provided it contains a photograph
- U.S. Military ID card
- U.S. Military dependant's ID card
- U.S. Social Security Card issued by the Social Security Administration
- Original or certified copy of a Birth Certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal
- U.S. citizen ID card (Form 1-197)
- ID Card for use of Resident Citizen in the United States (Form 1-179)
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
- Unexpired employment authorization document issued by the Department of Homeland Security
- Native American tribal document
- Voter registration card
- Tax bill issued within the last year showing current address
- Utility bill issued within the last 60 days showing current address
- Voided check imprinted with name and current address
- Bank statement issued within the last 60 days showing current address
- Government issued medical ID card showing current address
- Valid vehicle registration showing current address
- Vehicle insurance card
- Current pay stub, imprinted with company name, issued within the last 60 days and showing Claimant's name
- Rent receipt, imprinted with the property management company or apartment building name, issued within the last 60 days showing current address

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

Exhibit E

**Summary of
Hispanic and Women Farmers and Ranchers Discrimination Claim Process
for
USDA Farm Loans and Loan Servicing Programs**

Background on Discrimination Lawsuits and Claims Processes

As part of USDA's efforts to make civil rights matters a top priority, USDA is committed to resolving past claims of discrimination in its farm loan programs. In recent years, USDA entered into settlement agreements in certified class action and multi-party lawsuits filed on behalf of African American and Native American farmers who claimed discrimination in USDA farm loan programs and certain non-loan programs. Class counsel in those cases assisted thousands of farmers to file their individual claims under those settlement agreements.

Lawsuits alleging past discrimination in USDA Farm Loan Programs were also filed on behalf of Hispanic farmers and women farmers. However, these cases were not certified as class actions. This means that individual Hispanic and women farmers who believe they were discriminated against in the USDA loan programs were left with one option: to take their claims individually to federal court. Because of the significant financial and time resources required to bring an individual lawsuit, many might be discouraged from pursuing their claims. USDA developed this administrative claims process to offer Hispanic and women farmers a way to voluntarily resolve their discrimination claims more simply.

Who Should Consider Filing a Claim?

If you believe that the USDA improperly denied farm loan program benefits to you between 1981 and 1996 or between mid-October 1998 and mid-October 2000 because you are Hispanic or female, you may be eligible to apply for compensation by filing a claim.

This means you may be eligible if:

1. You sought a farm loan or farm loan servicing during the period 1981 through 1996 or mid-October 1998 through mid-October 2000;
2. The loan or loan servicing was denied, approved for a lesser amount than requested, approved with restrictive conditions, or provided late; USDA failed to provide appropriate loan servicing; or USDA actively discouraged you from applying for the loan or loan servicing; and
3. You believe these actions were based on your being Hispanic or female.

What Are the Farm Loan and Loan Servicing Programs Covered by This Claim Process?

The farm loan and loan servicing programs covered by this claim process are the direct loan programs administered by USDA's agencies called the Farmers Home Administration (FmHA) or the Farm Service Agency (FSA). This claims process does not cover guaranteed loan programs administered by these agencies.

The specific farm loan programs covered are:

- Operating Loan (OL) (excluding Youth Loans)
- Farm Ownership Loan (FO)
- Emergency Loan (EM)
- Economic Emergency Loan (EE)
- Soil and Water Loan (SW)

The farm loan servicing programs covered include:

- Primary Loan Servicing (debt restructuring)
- Preservation Loan Servicing (Homestead Protection and Farmland Leaseback/Buyback)
- Debt settlement
- Release of income from the sale of crops and livestock to pay essential family living and farm operating expenses
- Transfer and Assumption
- Disaster Set-Aside

What Award Will I Receive If My Claim Is Successful?

To participate in the claim process, you must choose to proceed under one of the following tiers, each of which has different requirements and potential awards. For all of the tiers, if your claim is successful, you will receive a cash award and debt relief on eligible farm loan debt. You will also receive tax relief if you are successful on a Tier 2 or Tier 1(a) claim.

Note that claims based on an attempt to apply for a loan or loan servicing, where USDA actively discouraged you from submitting an application, may only be submitted under Tier 1(a).

Tier 1(a)

If you are successful on a Tier 1(a) claim, you will receive:

1. A cash award of up to \$50,000;
2. Debt relief – cancelling some or all of the outstanding debt you currently owe to USDA. Debt relief will be provided for: (1) the farm loans that were affected by the USDA action that formed the basis for your successful claim; and (2) any subsequent loans of the same loan type that you obtained from USDA through October 13, 2000 (Hispanic farmers) or October 19, 2000 (women farmers);
and
3. A tax payment made directly to the Internal Revenue Service (IRS) on your behalf in the amount of 25% of the cash award and debt relief that you receive.

The total amount paid to all successful claimants under Tier 1(a) is subject to a \$1.13 billion cap. Each successful Tier 1(a) claimant will receive the same cash award amount. If there are so many successful Tier 1(a) claimants that they cannot all receive a \$50,000 cash award without going over the \$1.13 billion cap, each successful Tier 1(a) claimant's cash award will be reduced by an equal amount to bring the total amount within the cap. This cap may be increased to a maximum of \$1.33 billion if the full amount of funds available for other tiers is not fully used.

Tier 1(b)

If you are successful on a Tier 1(b) claim, you will receive:

1. A cash award in the amount of the actual economic damages you proved you suffered from USDA's discrimination, up to a maximum award of \$250,000;
and
2. Debt relief – cancelling some or all of the outstanding debt you currently owe to USDA. Debt relief will be provided for: (1) loans that were affected by the USDA action that formed the basis for your successful claim; and (2) any subsequent loans of the same loan type that you obtained from USDA through October 13, 2000 (Hispanic farmers) or October 19, 2000 (women farmers).

No tax relief is available for Tier 1(b) claims.

Total payments under Tier 1(b) are subject to a \$100 million cap. If there are so many successful Tier 1(b) claimants that the cash awards cannot be paid in full without going over the \$100 million cap, each successful Tier 1(b) claimant's cash award will be reduced by the same percentage to bring the total amount within the cap.

Tier 2

If you are successful on a Tier 2 claim, you will receive:

1. A \$50,000 cash award;
2. Debt relief – cancelling some or all of the outstanding debt you currently owe to USDA. Debt relief will be provided for: (1) the farm loans that were affected by the USDA action that formed the basis for your successful claim; and (2) any subsequent loans of the same loan type that you obtained from USDA through October 13, 2000 (Hispanic farmers) or October 19, 2000 (women farmers);
and
3. A tax payment made directly to the IRS on your behalf in the amount of 25% of the cash award and debt relief that you receive.

There is no limit to the number of claimants under Tier 2, and there is no cap on the total dollar amount that can be paid to prevailing claimants under Tier 2.

If your Tier 2 claim is not successful, your claim will automatically be reviewed under Tier 1(a).

What Are the Criteria I Must Meet To Be Successful on My Claim?

The claim form that you will be required to file to make your claim includes specific questions designed to address each of the requirements that you must satisfy to be successful on your claim. In addition to the specific items of evidence for each Tier, discussed below, you must show that you meet all of the following criteria:

- You are Hispanic or female;
- If you are Hispanic, you farmed, or attempted to farm, between January 1, 1981, and December 31, 1996, or between October 13, 1998, and October 13, 2000;
- If you are female, you farmed, or attempted to farm, between January 1, 1981, and December 31, 1996, or between October 19, 1998, and October 19, 2000;
- You were the owner-operator or a tenant-operator of farm property, or you attempted to own or lease farm land, during the same time periods listed above (you must provide a description of the type and location of the farmland);
- For Tier 1(a) claims: during one of the time periods listed above, you applied for a farm loan or for farm loan servicing at a USDA office, or you made a bona fide effort to apply for a farm loan or for farm loan servicing and USDA actively discouraged the application;

- For Tier 1(b) and Tier 2 claims: during one of the time periods listed above, you applied for a farm loan or for farm loan servicing at a USDA office;
 - Your application for a farm loan or loan servicing from USDA was denied, provided late, or approved for a lesser amount than requested or restricted; or USDA failed to provide you appropriate loan servicing;
 - At the time you applied or attempted to apply for a farm loan or loan servicing from USDA, you met the basic eligibility criteria for the program that you were applying for;
 - You believe that USDA discriminated against you because you are Hispanic or female;
 - USDA's treatment of your loan or loan application led to economic damage to you;
 - You filed a discrimination complaint with USDA, either directly or through a representative, alleging that USDA discriminated against you in connection with a loan or loan servicing application based on your being Hispanic or female;
- and
- No one involved in your farming operation has received a final resolution on a discrimination claim through the *Pigford I*, *In re Black Farmers Discrimination Litigation (Pigford II)*, or *Keepseagle* claims processes, or through another administrative or other court proceeding. (This requirement is discussed in more detail in a later section.)

What Evidence Is Required to Support My Claim?

Each Tier in the claim process has different requirements for the types and amount of documents that a claimant must provide to support his or her claim. The larger the possible award under a Tier category, as described above, the more documentation that the claimant must provide to prove the allegations.

Tier 2

To support a Tier 2 claim, you must provide (in addition to your completed claim form):

1. A copy of your application and supporting documents for USDA loan or loan servicing assistance or other documents from USDA showing that you submitted an application;
2. One of the following: (1) a copy of a discrimination complaint that you sent to USDA or another U.S. government official on or before July 1, 1997 (Hispanic and female farmers), or between October 13, 1998, and October 13, 2000 (Hispanic farmers), or between October 19, 1998, and October 19, 2000 (female farmers); or (2) a copy of a document from a U.S. government official

acknowledging their receipt (or otherwise reflecting the filing) of such a complaint;

and

3. A sworn statement or statements by you under penalty of perjury that the evidence you provide is authentic.

Under Tier 2, the documents you provide and the answers you give on the claim form regarding your farming operation, your effort to obtain USDA loan or loan servicing benefits, USDA's treatment of your application, and your belief that USDA's actions were due to discrimination because you are Hispanic or female must meet a **substantial evidence** level of proof. This means that you must provide "evidence that a reasonable person might accept as adequate to support the conclusion after taking into account other evidence that does not support that conclusion." This is the lowest level of proof under the Federal Rules of Evidence. However, it is not enough to simply state conclusions about your experience; you must provide a more detailed explanation of your claims, particularly specific facts supporting your belief that USDA's actions were due to discrimination. But you are not required to provide overwhelming proof to support your statements.

Tier 1(a)

To support a Tier 1(a) claim based on a completed application for a loan or loan servicing benefit, you are only required to submit a completed claim form. Your claim will be evaluated based on whether your answers on the claim form establish by **substantial evidence**, as described above, that you satisfy the requirements.

To support a Tier 1(a) claim based on an attempt to apply for a farm loan or loan servicing, where you were unable to file an application because USDA actively discouraged you from doing so (called "constructive application"), you must provide (in addition to your completed claim form):

- A sworn, verified, or notarized written witness statement from someone who witnessed USDA discouraging you from filing an application;
- or
- A written complaint about the incident that you or your representative filed with USDA within one year of when you tried to apply for a loan or loan servicing (this will include complaints filed with persons other than USDA officials if the evidence shows that the person who received the complaint forwarded it to USDA);
- or
- A letter or other document from a non-family member to you, or a letter from you to a non-family member, that was written and dated within one year of when

you tried to apply for a loan or loan servicing and that shows that you tried to apply for a farm loan or loan servicing, that you had a farm business plan which included specific crops, equipment, and the general location of the acreage, and that a USDA official actively discouraged you from applying for the loan or loan servicing.

Your Tier 1(a) constructive application claim will be evaluated based on whether your answers on the claim form establish by **substantial evidence**, as described above, that you satisfy the requirements. Note that the claim form will ask you to describe in detail the incident or incidents when USDA actively discouraged you from making an application. Useful detail to support your claim would include: when you attempted to apply, what type of loan or loan servicing you wanted, what your farm plan was and how that was appropriate for your location, which specific USDA office you were at, and from which other banks you unsuccessfully sought loans.

Tier 1(b)

You must provide a significant number of documents to succeed on a Tier 1(b) claim. To support a Tier 1(b) claim, you must provide (in addition to your completed claim form):

1. A copy of your loan or loan servicing application and supporting documents, or other documents from USDA showing that you submitted an application, together with a sworn statement in writing that these documents were submitted to or received from USDA at the time you completed your application or at the time USDA responded to your application;
2. One of the following: (1) a copy of a discrimination complaint that you sent to USDA or another U.S. government official on or before July 1, 1997 (Hispanic and female farmers), or between October 13, 1998, and October 13, 2000 (Hispanic farmers), or between October 19, 1998, and October 19, 2000 (female farmers); or (2) a copy of a document from a U.S. government official acknowledging their receipt (or otherwise reflecting the filing) of such a complaint;
3. Evidence that shows that USDA treated your loan or loan servicing application less favorably than it treated a named similarly situated non-Hispanic white farmer (if you are Hispanic) or male farmer (if you are female). This evidence must be either: (1) independent documents that are admissible under the Federal Rules of Evidence; or (2) a sworn statement based on personal knowledge by an individual who is not a member of your family;
and
4. Documents showing any actual economic damages you suffered (the money you spent, lost, or did not make) because of USDA's treatment of your farm loan or

loan servicing application. You may submit written expert testimony to explain the specific dollar amount of economic harm you suffered as a result of USDA's discrimination.

The documents you provide and the answers you give on the claim form for a Tier 1(b) claim to establish that you meet all of the claim requirements must meet a higher standard of evidence, called a **preponderance of the evidence**. This means that the evidence you provide demonstrates that it is more likely than not that your allegations are true.

Can I Receive an Award Under This Claim Process If I Filed a Claim in One of the Previous Claims Processes?

The general rule is that if you or a person involved in your farming operation received a final resolution of a discrimination claim in one of the claims processes for African American farmers or in the claims process for Native American farmers, you may not receive an award on a claim in this process. However, you should note that if your claim meets the following standards, you may still be able to obtain an award in this claims process:

- Your claim in this process is based on events that occurred outside the relevant period in the other relevant claims process but are within the relevant period for this claims process. The relevant periods are as follows: Pigford I – January 1, 1981, through December 31, 1996; In re Black Farmers Discrimination Litigation (sometimes referred to as “Pigford II”) – January 1, 1981, through December 31, 1996; Keepseagle – January 1, 1981, through November 24, 1999; and Hispanic and Women Farmers and Ranchers Claims Process – January 1, 1981, through December 31, 1996, and October 13, 1998 through October 13, 2000 (Hispanic claimants only) or October 19, 1998, through October 19, 2000 (women claimants only);

or

- The Adjudicator decides that the type of decision issued in the other claims process is not the type of decision that should be considered “a final resolution” of that claim. Until we know the types of decisions the Adjudicator believes are “final resolutions,” you may want to consider filing a claim in this process if the decision in the other relevant claims process was: (1) that the claim was filed late; (2) that the claimant was not a member of the class; or (3) that the claim was incomplete and no completed claim was timely filed, or if there has been no decision issued yet in the other relevant claims process.

Is It Possible for My Farming Operation to Get More than One Award in This Claim Process?

A farmer who is both Hispanic and female is limited to a single claim in this process.

If more than one person operates a farm operation, recovery is limited to one claim for that farming operation.

You may not file a claim on behalf of a business entity that ran the farming operation. However, because it was USDA's policy to require the individuals who were members of a business entity to sign for loans in their individual capacity, you can file a claim as an individual who was or would have been responsible for paying back the loan, even if the farming operation was run by a business entity. However, if more than one individual member of the business entity files a claim, only one award will be made for that farming operation.

May I File a Claim on Behalf of a Person Who Has Died or a Person Who Is Physically or Mentally Disabled?

You may file a claim on behalf of a person who has died or a person who is unable to file the claim due to a physical or mental disability.

All of the same criteria and documentation requirements described above will apply.

Before an award will be paid on a successful claim filed on behalf of a person who has died, you must submit a copy of the person's death certificate and an order from a court or another document that specifically gives you the authority to act as the legal representative of the deceased person's estate. It is best if these documents can be filed with the claim form.

Before an award is paid on a successful claim filed on behalf of a person who has a physical or mental disability, you must submit a copy of a court order, a power of attorney, or other document showing that you have the authority to act as that person's legal representative. It is best if this document can be filed with the claim form.

How Does the Claim Process Work?

Obtaining a Claim Package: To obtain a Claim Package, call 1-888-508-4429 or go to www.farmerclaims.gov. In the near future, the Claims Administrator will begin mailing Claim Packages, which will contain forms and instructions for participating in the claim process, to all interested persons. The Claims Administrator will also have a toll-free helpline to provide information about the process.

Participating in the Voluntary Claim Process: You must enter into the settlement agreement included in the Claim Package, agreeing to participate in the voluntary claim process to resolve your claim and waiving your right to file a lawsuit. Once your claim is accepted by the Administrator as eligible for adjudication, the only recovery available is that offered by the claim process. Decisions in the claim process are not appealable.

Submitting a Claim to the Administrator: USDA will announce the start of the claims period, which will last 180 days. **You must submit a Claim Package within this 180-day claim period. The Claims Administrator will determine whether you submitted a timely and complete Claim Package. The Administrator's decisions are final and cannot be appealed.**

Investigation of Claims: Every claim must be submitted under penalty of perjury. In the majority of cases, USDA will not be submitting any response to your claim or any documents. However, USDA reserves the right to submit evidence to the Claims Adjudicator regarding any claim. All claims will be subject to random audits and other reviews, and fraudulent claims will be denied and are subject to potential prosecution.

Determination by Adjudicator: Your claim will be decided by a Claims Adjudicator with independent decision-making authority, based on the information that you submit in the Claim Package and, in the instances where USDA submits a response or document, any response by USDA. The Adjudicator's decisions are final and cannot be appealed.

How Can I Find Help to File a Claim?

Because this claim process is not the result of settlement of a lawsuit, there are no specific lawyers responsible for assisting people to file claims in this process. You can file a claim on your own or obtain an attorney or advocate to assist you in filing a claim. The Hispanic and Women Farmers and Ranchers Claims Assistance Network ("Network"), with funding from USDA, is attempting to recruit and train lawyers and advocates to assist claimants in preparing and filing their claims and to develop an attorney referral list that potential claimants will be able to access from a website that will soon be available. Even if you find an attorney to assist you through the Network's referral list, you will be responsible for paying the attorney's fees.

Attorneys representing claimants in the claims process may either provide their services *pro bono* (free) or negotiate fees with the individual claimant. Attorney fees will not be paid directly from the cash award. USDA's *Framework for Hispanic and Female Farmers Claims Process* provides notice to claimants that reasonable fees for Tier 1(a) or Tier 2 shall not exceed \$1,500. For Tier 1(b), which requires a higher level of documentation, the Framework provides notice to claimants that a reasonable fee shall not exceed eight percent (8%) of the Tier 1(b) award.

USDA believes that the attorney fee guidelines in the Framework are reasonable because this is a non-judicial, non-adversarial process. USDA and the U.S. Department of Justice (DOJ) endeavored to structure the claims process so that the bulk of the funds being awarded will go to the farmers. The amounts of cash awards will not be increased for individuals represented by an attorney. Claimants are always free to negotiate fee arrangements that best serve their needs.