

SUPERIOR COURT
MARICOPA COUNTY, ARIZONA

IN RE ANTHEM COMMUNITY PIPE
LITIGATION

CASE NO.: CV 2007-023536

JOAN KIRSCH; individually and on behalf of
the class members at the Anthem and; and
ROE HOMEOWNERS 1 through 9500;

Plaintiffs,

v.

DEL WEBB COVENTRY HOMES, INC., an
Arizona Corporation; et. al.

Defendants.

NOTICE OF CLASS ACTION

TO: ALL OWNERS OF RESIDENCES WITHIN THE ANTHEM COMMUNITY, INCLUDING, BUT NOT LIMITED TO, ANTHEM PARKSIDE AND ANTHEM COUNTRY CLUB, WITH HOMES CONSTRUCTED BY DEL WEBB COVENTRY HOMES WITH UNINSULATED UNSLEEVED UNDERSLAB COPPER PLUMBING.

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. IT DISCUSSES A CLASS ACTION THAT MIGHT INVOLVE YOU. YOUR RIGHTS MAY BE AFFECTED BY THE LEGAL PROCEEDINGS DESCRIBED BELOW.

THIS IS NOT A NOTICE OF A SUIT *AGAINST* YOU. RATHER, YOU MAY BE ELIGIBLE AS A PLAINTIFF CLASS MEMBER TO RECOVER COMPENSATION FOR DEFECTIVE PLUMBING IN YOUR RESIDENCE.

I. PURPOSE OF THIS NOTICE: This notice is given to you pursuant to an Order certifying a class action entered on August 31, 2009 by the Honorable Douglas L. Reyes of the Superior Court of Arizona, Maricopa County, Arizona. You may be a member of the class described herein. This notice is to inform you of the pendency of a class action lawsuit and of how to request exclusion from the class if you do not wish to be a class member. The members of the Class Action certified by the Court's August 31, 2009 Order include:

Any owner of a residence in Anthem, Arizona constructed by Del Webb Coventry Homes, Inc., Anthem Arizona, LLC, Pulte Home Corporation, and/or Del Webb's Coventry Homes Construction Co. with unsleeved underslab copper pipe.

II. DESCRIPTION OF THE LAWSUIT: This class action arises out of the alleged failure of the unsleeved, underslab copper pipe plumbing systems installed in homes constructed by Del Webb Coventry Homes, Inc., Anthem Arizona, LLC, Pulte Home Corporation, and/or Del Webb's Coventry Homes Construction Co. (hereinafter collectively known as "Defendants"), in Anthem. The Complaint filed by the Plaintiffs, which seeks damages, costs, and attorneys fees, alleges that the unsleeved, underslab copper pipe plumbing systems installed in homes in Anthem are defectively constructed and have failed, and will continue to fail in the future due to thermalgalvanic corrosion, and that Defendants are responsible. Defendants deny the allegations in the Complaint and specifically deny that the plumbing systems are defective.

The Court has not expressed any opinion with respect to the merits of these claims or the defenses asserted by Defendants nor has the Court expressed an opinion relating to the merits of the positions asserted by either party. The purpose of this notice is to advise you of the pending class action and the potential effect on your rights.

III. CLASS ACTION RULING: On August 31, 2009, the Court entered an order certifying this lawsuit as a class action. Members of the class consist of all owners of record of homes in Anthem with unsleeved, underslab copper plumbing constructed and completed by Defendants.

Class Plaintiffs are represented by Feinberg Grant Mayfield Kaneda & Litt, LLP and Borowsky Law Group, P.C. ("Class Counsel"). Cost reimbursement for fees paid to class counsel will be paid from any recovery obtained on behalf of the class, and only as approved and ordered by the Court.

The Court has certified Plaintiff JOAN KIRSCH as class representative.

Establishment by the Court of this class does not mean that any money or injunctive relief will be obtained for the class members on the class claims. Certification of this lawsuit as a class action by the Court means only that the ultimate outcome of this lawsuit on the class claims - whether favorable to the Plaintiffs or to the Defendants - will apply to all class members who do not timely elect to be excluded from the class.

IV. PARTICIPATION IN OR EXCLUSION FROM THE CLASS: If you fit the above-description of a class member, you have a choice whether to remain a member of the class or to request exclusion from

the class. Either choice will have its consequences, which you should understand before making your decision.

If you want to remain a class member, you are not required to do anything at this time. By remaining a class member, you are agreeing that claims against Defendants arising from unsleeved, underslab copper plumbing will be determined in this case and cannot be presented individually by you in this case or in any other action. As a member of the class, you will be bound by the outcome of this lawsuit. If the lawsuit results in a judgment favorable to the class or a settlement is entered into between the class and Defendants, you would be entitled to share in the benefits, if any, of that judgment or settlement. If the judgment is beneficial to the class or if a class wide settlement is reached, class counsel will petition the Court for an award of attorneys fees, based upon a percentage of recovery, and for reimbursement of their costs to be paid out of any funds recovered for the class. If the outcome is favorable to the Defendants, your rights will be determined and you will receive nothing.

Class members who do not request exclusion will be bound by any judgment whether favorable or not to the class, and will not have the right to maintain a separate action even if they have already filed their action.

If you want to be excluded from the class, you must return your attached "Request for Exclusion" by mail postmarked no later than March 6, 2010, to the address provided below. Your Request for Exclusion must set forth your name and address, and include your signature. By making this election to be excluded, (1) you will not share in the benefits, if any, that class members may be entitled to as a result of trial or settlement of this lawsuit; and (2) you will not be bound by any decision in this lawsuit favorable to the Defendants. If you request exclusion from the class, you will have the right to pursue individually, at your own expense, any claim you may have against the Defendants. Please direct all "Request for Exclusion" via U. S. Mail to:

ANTHEM COMMUNITY PIPE LITIGATION
c/o Lisa Borowsky, Esq.
Borowsky Law Group, P.C.
7135 East Camelback Road Suite 230
Scottsdale, AZ 85251

V. ATTORNEYS' FEES AND COSTS OF SUIT:

If successful in this action, Class Counsel attorneys' fees and costs will be paid out of any monetary recovery obtained by the plaintiff in this case. Class Counsel shall be paid its attorneys' fees based upon a percentage of the overall recovery.

Importantly, if you remain a member of the class you will NOT be charged with separate or additional attorneys' fees or costs of suit other than that percentage of the overall class recovery in the event of a favorable settlement or judgment. All payment of attorneys' fees and costs must be approved by the Court.

You will be represented by counsel for the class representative unless you choose to enter an appearance through your own legal counsel. You have the right to consult with your own attorney about any matters related to this Notice of Class Action, and you may enter an appearance through counsel of your own choice. If you choose to enter an appearance through your own legal counsel, you will be responsible for the legal fees and costs of your personal counsel.

All Defendants have denied Plaintiffs' allegations and have all asserted affirmative defenses to Plaintiffs' allegations and are presently defending the action. In the event Defendants are successful in defending the claims made against them, Defendants have the right to seek reimbursement for their fees and costs incurred in the defense of this suit from you and other class members. All payment of Defendants' fees and costs must be approved by the Court. Further, a suit brought solely to harass or to coerce a settlement may result in liability for malicious prosecution or abuse of process.

VI. ADDITIONAL INFORMATION:

Notice of Settlement: You will be entitled to notice of, and an opportunity to be heard regarding any proposed settlement of the class claims. You are requested to notify class counsel in writing of any corrections or changes in your name or address.

Examination of Pleadings and Papers: This notice is only a summary of the pending lawsuit and is not intended to be all inclusive. References to pleadings and legal papers and proceedings are only summaries. For full details concerning the class action and the claims and defenses which have been asserted by the parties, you may review the pleadings and other papers filed at the office of the Clerk of

the Superior Court of the State of Arizona, County of Maricopa, 201 West Jefferson, Phoenix, Arizona.

Interpretation of this Notice of Class Action: Except as indicated in the orders and decisions of the Maricopa Superior Court, Arizona, no Court has yet ruled on the merits of any of the pending claims or defenses asserted by the parties in this Class Action. This Notice is not an expression of an opinion by the Court as to the merits of any claims or defenses.

This Notice is being sent to you solely to inform you of the nature of the litigation, your rights and obligations as a Class member, the steps required to be excluded from the Class Action, and the Court's certification of the Class.

Please do not call the Court or the Clerk of the Court regarding this matter. For additional information you may contact Lisa Borowsky, Esq. at Borowsky Law Group, P.C. at (480) 991-3656, or Bruce Mayfield, Esq. at Feinberg Grant Mayfield Kaneda & Litt, LLP toll free at (800) 238-0625 or visit our website anthempipes.com.

DATED this 1st day of February, 2010

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REQUEST FOR EXCLUSION

I _____, as an owner of property at ANTHEM COMMUNITY, hereby request to be excluded from the class action lawsuit pending in the Superior Court of the State of Arizona, Maricopa County entitled *Joan Kirsch, et al. v. Del Webb Communities, Inc., et al.*, designated as Case No. CV 2007-023536, arising out of alleged failure of the unsleeved, underslab copper pipe plumbing systems installed in homes constructed by Del Webb Coventry Homes, Inc., Anthem Arizona, LLC, Pulte Home Corporation, and/or Del Webb's Coventry Homes Construction Co., in Anthem, Arizona.

I understand that by making this election to be excluded, (1) I will not share in any recovery that might be paid to the members of the class as a result of trial or settlement of this lawsuit; and (2) I will not be bound by any decision in this lawsuit favorable to the Defendants. By making this request for exclusion from the class, I understand that I will have the right, at my own expense, to address any defects associated with construction or installation of unsleeved, underslab copper plumbing system in my home.

By: _____
Signature

Print Name

Address

DATED: _____