

CLAIM AND RELEASE FORM

INSTRUCTIONS

If you own or owned 1-4 family residential property or vacant lot in the area identified as “the Class Area” on the below map during the period **January 30, 2017 through March 27, 2023**, you may be eligible for a settlement payment in this lawsuit against United States Metals Refining Company (USMR) and other defendants if the final settlement is approved by the Court. **YOU MUST COMPLETE THIS CLAIM AND RELEASE FORM IN ORDER TO RECEIVE A SETTLEMENT PAYMENT.** The exact amount of any final payment to Class Members will depend on the Court’s award of attorneys’ fees and expenses, costs of administration, and class representative incentive awards. The amount any individual property owner receives will be calculated by the Settlement Administrator and will be based on the duration of ownership during the period January 30, 2017 through March 27, 2023.

This Claim and Release Form and any required documentation must be postmarked or submitted no later than June 26, 2023.

Please go to **www.CarteretSmelterSettlement.com** for more details on documentation that can support your claim and other information. If you still have questions, you can call 1-844-798-0743.

PROOF OF OWNERSHIP

The following documents are sufficient to establish proof of ownership. Please attach a copy of one of the following, and check the box for the document you are attaching:

- Deed or Certificate of Title to your Property
- HUD-1 Settlement Statement, consolidated Closing Disclosure, or other property sale closing statement
- Declaration of Ownership with accompanying documentary proof of ownership (declaration attached). Examples of documentary proof of ownership include a property tax statement or bill, a cancelled check for a tax payment during the Class Period, or other government record evidencing ownership. If you have searched in good faith but have been unable to find any of the above types of documentation, please describe your efforts on the declaration and why you are unable to include the required documents.

Please note that proof of ownership of the Property will be subject to verification.

SIGN AND DATE THE CLAIM AND RELEASE FORM

You must sign the Claim and Release Form under penalty of perjury. Therefore, make sure it is truthful.

Certification: I hereby certify under penalty of perjury that (1) the above and foregoing is true and correct; and (2) I believe, in good faith, that I currently own title to the Eligible Property listed above or that I previously owned title to the Eligible Property for some period during the period January 30, 2017 through March 27, 2023.

Release of Claims: In exchange for and upon receipt of the settlement payment for which I am submitting this Claim and Release Form, I hereby RELEASE and am forever barred from bringing against the Released Persons any and all state and federal claims, actions, demands, rights, liabilities, suits, complaints, petitions, causes of action, whether known or unknown, past, present or future, suspected or unsuspected, contingent or non-contingent that arise from facts occurring from the beginning of time through March 27, 2023, including all claims for property damages, inconvenience, annoyance, economic loss, and punitive or exemplary damages in connection with such claims arising from or related to the historical operation of the USMR Smelter that is the subject matter of this litigation, the environmental investigations and cleanup conducted by Defendants, and any other property conditions allegedly associated with either historical operation of the USMR Smelter or the Defendants' environmental investigation and cleanup, and specifically include without limitation any claims and causes of action asserted in Plaintiffs' Fifth Amended Complaint (including without limitation private nuisance, trespass, strict liability, and negligence) (collectively the "Released Claims"). The "Released Claims" do not include claims for personal injuries or medical monitoring or punitive or exemplary damages in connection with such claims.

In connection with this complete release and to the extent allowed by law, I acknowledge that I am aware that I may hereafter discover claims presently unknown or unsuspected, or facts in addition to or different from those which I now know or believe to be true with respect to the Released Claims. Nevertheless, it is my intention to fully, finally and forever settle and release all such Released Claims, and all claims in connection with such Released Claims, which exist, hereafter may exist, or might have existed (whether or not previously or currently asserted in any action) and arise from facts occurring from the beginning of time through March 27, 2023. In this regard, I expressly waive, to the extent allowed by law, any potentially applicable statutory or common law provisions that arguably provide otherwise.

For purposes of this complete Release, the "Released Persons" means the Defendants (United States Metals Refining Company, Freeport Minerals Corporation, Freeport-McMoRan Inc., and Amax Realty

Development, Inc.) as well as their parents, subsidiaries, affiliated or related entities, and all directors, officers, employees, agents, joint ventures, legal representatives, attorneys, shareholders, insurers, predecessors, successors, assigns, and all other persons, natural or corporate, in privity with them.

For purposes of this complete Release, "USMR Smelter" means the industrial facility that is the subject matter of Plaintiffs' complaint, which was located on Middlesex Avenue in the Borough of Carteret, Middlesex County, New Jersey, and which includes without limitation all of USMR's former copper smelting, copper refining and other industrial and commercial operations conducted in and around that location.

Property Owner's Signature

Co-Owner's Signature

Print Name

Print Name

Date: _____

Date: _____

Dates of Property Ownership: _____

If the Property Owner/Claimant is other than an individual or is submitting this form as a legal representative for the actual Property Owner/Claimant, the following additional certification must be provided under penalty of perjury: (1) I am an employee, partner, officer, guardian, or trustee of the Property Owner/Claimant, and as such I am authorized to sign this Claim and Release Form on behalf of the Property Owner/Claimant; or (2) I am otherwise legally authorized to sign this Claim and Release Form on behalf of the Property Owner/Claimant.

Name of Person Signing (type or print)

Capacity of Person Signing
(Guardian, Executor, President, Trustee, etc.)

Signature

Date

SUBMIT YOUR CLAIM AND RELEASE FORM

Mail this completed Claim and Release Form, and required documentation, postmarked **on or before June 26, 2023**, to:

Duarte v. US Metals Refining Company
c/o JND Legal Administration
PO Box 91420
Seattle, WA 98111

You may also complete this Claim and Release Form online at: www.CarteretSmelterSettlement.com.