

TO ALL CLIENTS OF:

FLAMIDOR INC.

- AND -

PRO DU CHAUFFAGE (1983) INC.

**NOTICE OF HEARING FOR PURPOSES OF APPROVING
THE SETTLEMENT OF THE CLASS ACTIONS**

READ THIS NOTICE CAREFULLY. IT CONTAINS INFORMATION WHICH MAY AFFECT YOUR RIGHTS.

TO WHOM IS THIS NOTICE ADDRESSED AND WHAT IS ITS PURPOSE?

1. **This notice is addressed to all the persons residing in Quebec who:**

- **purchased from FLAMIDOR INC.** (hereinafter: “*FLAMIDOR*”) since August 28, 2003 or from **PRO DU CHAUFFAGE (1983) INC.** (hereinafter: “*PRO DU CHAUFFAGE*”) since September 22, 2003, a heating system and/or a cooling system including a **GLYCOL furnace of the brands DJ-40, FLAM-50 or PRO-50**, sold by any one of the aforementioned companies (either with or without a heat pump) **AND**
- **the purchase price of which was** financed, in whole or in part, **by the CAISSE POPULAIRE DESJARDINS DU VILLAGE HURON** (hereinafter: *la “Caisse”*) in virtue of an instalment sales contract which FLAMIDOR or PRO DU CHAUFFAGE has or had assigned to la Caisse;

(hereinafter: the “*Group*”)

2. **The purpose of this notice is to inform the members of the Group that an agreement has been entered between *l’Association des consommateurs pour la qualité dans la construction (ACQC)*, the “*designated persons*” and *la Caisse populaire Desjardins du Village Huron* for the purposes of settling the class action proceedings which were instituted by the ACQC and the “*designated persons*” (hereinafter: the “*Settlement*”).**

THE DETAILS OF THE SETTLEMENT

3. **The Settlement provides for the creation of indemnification programs** which will allow the members of the Group who qualify to obtain, **without costs**, a complete verification of their heating and cooling system by a qualified contractor and, as may be required,
- **the replacement, without costs, of the glycol furnace by a new electric furnace** adapted to every residence and the complete repair of all the components of the system installed by Flamidor or Pro du Chauffage, so that the heating system complies with the present-day standards and is adapted to the immovable;
 - **the installation, without costs, of an energy conservation component**, either by connecting the old oil or gas furnace in order to qualify for the bi-energy programs if said equipment is still in place and complies with the standards, or by installing a new bi-energy system, or by installing a heat pump;
 - partial or complete **reimbursement** of the amount paid for the replacement of the glycol furnace and/or for certain repairs. Certain limits and restrictions apply;
 - **an annual rebate** of ONE percent (1%) from the interest rate until full reimbursement of your loan. Certain limits and restrictions apply;
 - **correction of the information contained in the credit file** in the event of default under the terms of the instalment sales contract concluded with *la Caisse*;

The members of the Group who wish to participate in the Indemnification Programs will have to continue reimbursing their loan to *la Caisse*.

The members who have reimbursed the full amount due to *la Caisse* are eligible to the Programs.

The members who are in arrears in reimbursing their loan are eligible to the Programs. However, they will have to enter into an agreement with *la Caisse* in order to get up to date in their payments.

The members of the Group who have sold the property wherein the glycol heating system was installed, may be entitled to an indemnity.

A complete description of the Indemnification Programs as well as the conditions and restrictions applicable thereto are indicated in the Claims Guide which will be forwarded by mail to the members of the Group with the pertinent forms, within approximately fifteen (15) days. If you believe that you are a member of the Group but have not received said documents by the end of April 2008, please communicate with the ACQC.

You may also consult and download the Claims Guide, the forms and the full text of the Settlement on one of the following websites:

www.consommateur.qc.ca/acqc
www.recours-collectifs.ca

I AM A MEMBER OF THE GROUP. WHAT DO I HAVE TO DO?

4. **The Settlement will be submitted to the Quebec Superior Court for approval.** The Court will hold a hearing in order to decide whether the proposed Settlement is in the interest of the members of the Group. Said hearing will take place on **May 12, 2008 at 10:00 a.m. in Room 3.21** of the Court House in Quebec City;
5. **Should you wish to participate in the Settlement and take advantage of the Indemnification Programs which you may be entitled to, YOU MUST FILL OUT THE CLAIMS FORM** which will be attached to the Claims Guide and which is also available on any one of the websites identified above **by November 11, 2008 at the latest**, failing which you will be bound by the Settlement but **will not be able to take advantage of the Indemnification Programs.**

The deadline to make a claim by sending in the Claims Form is November 11, 2008. The shipping addresses will be indicated on the forms.

The Indemnification Programs will be implemented only if the Court approves the Settlement. In any event, **the members of the Group may FORWARD THEIR CLAIM IMMEDIATELY** even if the Settlement has not as yet been approved by the Court. Should the Court refuse to approve the Settlement, the persons who will have sent in their claim will be so advised by mail.

6. **If you disagree with the proposed Settlement:** you may attend the hearing or have your attorney represent you at the hearing. In that case, please send a written notice explaining briefly the reasons for your objection, **by May 7, 2008 at the latest**, to the ***Bureau de réception des formulaires, 1995, rue Frank-Carrel, Bureau # 201, Sainte-Foy (Québec) G1N 4H9.*** A form for submitting objections will be forwarded by mail and is also available on the above-mentioned websites.
7. **If you wish to be excluded from the class action:** Generally speaking, the only persons who have an interest in excluding themselves from a class action are persons who wish to institute an individual lawsuit before the Courts at their own costs. You may exclude yourself from the class action by sending an Exclusion Form to the ***Bureau de réception des formulaires*** either by registered mail or by certified mail, **by May 9, 2008 at the latest.** An Exclusion Form will be forwarded by mail and is also available on the above-mentioned websites.

8. **If you have instituted a personal action against *la Caisse* and you wish to participate in the Settlement, you must send the Desistment Form to the *Bureau de réception des formulaires* by May 9, 2008 at the latest, failing which you will be considered as having excluded yourself from the class action.** *La Caisse* will accept the desistment without costs. The desistment will only be applicable if the Settlement is approved and is not cancelled. If you are being represented by an attorney, remit a copy of this notice to him/her without delay.

NOTE: EXCLUSION CAUSES YOU TO PERMANENTLY LOSE YOUR RIGHTS TO BENEFIT FROM THE INDEMNIFICATION PROGRAMS PROVIDED FOR UNDER THE SETTLEMENT. If you exclude yourself from the class action, you automatically waive your rights to the Settlement and you permanently lose your right to benefit from the Indemnification Programs provided for under the settlement. Your rights against *La Caisse* will be preserved, however you will have to assume all the necessary costs and expenses in order to exercise your legal remedies including, if applicable, the fees and disbursements due to your attorney, the costs of expertise, etc. You will not be able to invoke the Settlement of the class actions in any personal action which may be instituted.

IMPORTANT DATES

To file an objection to the Settlement:	by May 7, 2008 at the latest
To exclude yourself from the class action:	by May 9, 2008 at the latest
To withdraw yourself from a personal action in order to benefit from the Settlement of the class actions:	by May 9, 2008 at the latest
To file your claim:	by November 11, 2008 at the latest

NO FURTHER NOTICE WILL BE PUBLISHED IF THE COURT APPROVES THE SETTLEMENT.

In the event of a discrepancy between this notice and the text of the Settlement, the text of the Settlement will prevail. This text is available on ACQC's Web site.

FOR ANY INFORMATION

For any information, you may communicate with:

***Association des consommateurs pour la
qualité dans la construction (ACQC)***

6226 Saint-Hubert Street

Montreal (Quebec) H2S 2M2

Tel.: 514-384-2013

Toll free : 1-877-MAISONS (624-7667)

Fax: 514-521-0736

Email: acqc@consommateur.qc.ca

Website: www.consommateur.qc.ca/acqc/

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Website: www.recours-collectifs.ca

The publication of this notice has been approved and ordered by the Quebec Superior Court