





## V. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Stipulation of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of New Mexico, with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Litigation.

## VI. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Released Claims each and all of the “Released Parties,” defined as each and all of Defendants and their Related Persons.

2. “Defendants” means (i) Barbara Page, Sosimo S. Padilla, Joe S. Chavez, Josie Castillo, Charles V. Peña, Georgia Baca, Troy K. Benavidez, Ray Mares, Jr., and Randolph M. Sanchez; (ii) Westland Development Company, Inc.; (iii) SCC Acquisition Corp., SunCal Companies Group, <sup>2</sup> SCC Acquisitions, Inc., SCC NM Member LLC, SCC Westland Venture LLC, Westland DevCo, LLC, Westland DevCo, LP, Westland Holdco, Inc., and Westland SPE GP LLC; and (iv) The D.E. Shaw Group, <sup>3</sup> D.E. Shaw & Co. L.P., D.E. Shaw Real Estate Portfolios 1, L.L.C., D.E. Shaw & Co., LLC, D.E. Shaw & Co., Inc., D.E. Shaw Investment Group, LLC, D.E. Shaw & Co. II, Inc., George Rizk and Anne Dinning.

3. “Released Claims” shall collectively mean all claims, which have been or could have been asserted by any Class Member arising from or relating in any way to the facts that were or could have been alleged in the Litigation challenging the Merger or the related disclosures in the Proxy materials disseminated in connection with the Merger (including all amendments thereto and the additional agreements and transactions described therein) or other disclosures, for damages, injunctive relief, or any other remedies, whether based in state or federal law and whether the claim could have been brought in state or federal court against the Released Parties, including, without limitation, any allegations of violations of state or federal securities laws or rules.

4. “Related Persons” means each of a Defendant’s respective predecessors, successors, parents, subsidiaries, affiliates, agents, partners, limited partners, investment bankers, accountants, insurers, reinsurers, attorneys, controlling shareholders, assigns, spouses, heirs, related or affiliated entities, any past, present or future officers, directors and employees of any of the foregoing, and their predecessors, successors, parents, subsidiaries, affiliates, partners, limited partners, agents and their subsidiaries, affiliates and agents, and any entity which controls a Defendant or in which any Defendant has a controlling interest, or any members of their immediate families. <sup>4</sup>

5. This release shall be of no force or effect unless and until the Court approves the Stipulation of Settlement and the Stipulation becomes effective on the Effective Date (as defined in the Stipulation).

6. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

7. I (We) hereby warrant and represent that I (we) have included information about all of my (our) holdings in Westland common stock requested in this claim form.

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2. These entities were named as defendants, in one or more of the Federal and State Actions. The SunCal Defendants have asserted that SunCal Companies Group was never a legal entity and that one or more of these entities no longer exist.

3. The DESCOS Defendants assert that although Plaintiff named “The D. E. Shaw Group” as a defendant in the Federal and *Rael* Actions, no such legal entity exists. Instead, the DESCOS Defendants assert that “The D. E. Shaw group” is an informal term sometimes used to refer to one or more affiliated entities.

4. As used herein, the term “immediate families” shall mean parents, spouses, siblings, and children.



I (WE) DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT ALL OF THE FOREGOING INFORMATION SUPPLIED BY THE UNDERSIGNED IS TRUE AND CORRECT.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_  
(Month/Year) (City/State/Country)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Sign your name here)

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(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser, Executor or Administrator)

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(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser, Executor or Administrator)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.  
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign the above release and declaration.
2. Remember to attach supporting documentation, if available.
3. Keep a copy of your claim form and all supporting documentation for your records.
4. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.
5. If you move, please send the Claims Administrator your new address.

