

**Schedule A**

**TO RECEIVE COMPENSATION YOU MUST BE ELIGIBLE TO MAKE A CLAIM. IF YOU ARE ELIGIBLE TO MAKE A CLAIM, THE COMPLETE APPLICATION TOGETHER WITH SUPPORTING DOCUMENTATION MUST BE RECEIVED BY THE CLAIMS ADMINISTRATOR NO LATER THAN DECEMBER 12, 2005**

## **CLAIM FORM**

You may be eligible to make a claim under this Settlement if, on September 9, 2002, you owned or leased one of the following Hyundai vehicles: Accent, Elantra, Santa Fe, Sonata, Tiburon or XG300. To determine whether you are eligible to make a claim, proceed to Step 1 below. For more information on compensation, consult Table A.

COMPLETED CLAIMS FORMS MUST BE SENT TO HYUNDAI AUTO CANADA, AS CLAIMS ADMINISTRATOR, AT THE ADDRESS BELOW:

Hyundai Auto Canada,  
75 Frontenac Drive,  
Markham, Ontario  
L3R 6H2  
Attention: Customer Relations (Horsepower Settlement)

### **STEP 1: DETERMINE WHETHER YOU ARE ELIGIBLE FOR COMPENSATION UNDER THIS SETTLEMENT**

#### **YOU ARE ELIGIBLE IF:**

1. You owned or leased<sup>2</sup> one of the following Hyundai vehicles on September 9, 2002:
  - (a) **Accent:** 1.5 litre DOHC (1996-1997), 1.5 litre (1999, 2001, 2002), 1.6 litre (2002);
  - (b) **Elantra:** 1.8 litre (1997), 2.0 litre (2000-2002);
  - (c) **Santa Fe:** 2.4 litre (2002), 2.7 litre (2001, 2002);

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<sup>1</sup> Lessors of these vehicles are not eligible to make a claim – *only lessees are eligible.*

- (d) **Sonata:** 2.4 litre (2001, 2002), 2.0 litre (1997, 1998) 2.7 litre (2002), 2.5 litre (2000, 2001);
- (e) **Tiburon:** 2.7 litre (2003), 2.0 litre (1997-2001, 2003); or
- (f) **XG300:** 3.0 litre (2001);

**AND,**

- 2. You received no compensation from Hyundai for the horsepower overstatement, other than Hyundai Goodwill Program benefits.

**STEP 2: MAKE A CLAIM. If you are eligible for compensation, please provide the following information.**

**IT IS A SERIOUS OFFENCE TO MAKE A FALSE STATEMENT KNOWINGLY.**

You must complete all pages of this form, as applicable. Attach additional pages if space is insufficient. Please type or print legibly in black ink. **In order for you to receive compensation under this Settlement, your properly completed claim form must be received by the Claims Administrator no later than December 12, 2005.** Eligible claimants are entitled to receive a cheque in an amount that will vary depending on the type of vehicle you own, and the discrepancy between the published horsepower rating for your vehicle and the horsepower determined by testing.

<b>Full Name of claimant:</b>	
<b>Address:</b>	
<b>Vehicle Model:</b>	<b>Year of vehicle:</b>
<b>Amount of Compensation you are Claiming*:</b>	<b>Group*:</b>
<b>Complete this box only if you do not submit an ownership or lease document.</b>	
<b>Vehicle Identification Number, or VIN (if known**):</b>	

\* To determine the group your vehicle belongs to and the amount of compensation to which you are entitled, go to TABLE A and the section titled "TO DETERMINE THE AMOUNT OF COMPENSATION TO WHICH YOU ARE ENTITLED...".

\*\* If you did not submit an ownership or a lease document and you do not know the VIN of your Hyundai vehicle, then please state:

**The License Plate # of your Hyundai Vehicle (if known):**

**Your Driver's License #:**

**STEP 3: FOR HYUNDAI OWNERS WHO ACCEPTED THE 2002 GOODWILL OFFER ONLY**

If you did NOT accept or were NOT offered roadside assistance or an extended warranty under the Hyundai Goodwill Program announced in September 2002, please proceed to Step 4.

**IF YOU ENROLLED IN HYUNDAI'S GOODWILL PROGRAM, THEN THE AMOUNT OF COMPENSATION TO WHICH YOU ARE ENTITLED DEPENDS ON:**

- (a) whether you are eligible to waive Goodwill Program benefits; and
- (b) assuming you are eligible, whether you elect to waive those benefits.

**YOU MAY ONLY WAIVE YOUR BENEFITS UNDER THE GOODWILL PROGRAM IF:**

- (c) you currently own or lease the vehicle;
- (d) you did not accept roadside assistance under the Goodwill Program;
- (e) you have made no claim under the Goodwill Program; and
- (f) your coverage under the extended warranty period, if applicable, has not yet commenced.

**IF YOU ENROLLED IN THE HYUNDAI GOODWILL PROGRAM AND YOU:**

- (g) are not eligible to waive Goodwill Program benefits; or

- (h) are eligible to waive Goodwill Program benefits but elect not to waive those benefits;

then you are entitled to compensation under this Settlement, but at the reduced rate set forth in Table A.

**IF YOU ENROLLED IN THE HYUNDAI GOODWILL PROGRAM AND:**

- (i) you are eligible to waive your Goodwill Program benefits; and
- (j) you elect to waive those benefits;

then you are eligible for compensation at the higher rate set forth in Table A.

**If you do not want the amount of your payment to be reduced and if you are willing to give up (waive) the Goodwill Program benefit you received, then you should sign and date the following waiver.**

**Waiver**

**I WISH TO WAIVE THE BENEFITS OF THE 2002 HYUNDAI GOODWILL PROGRAM**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**STEP 4: DECLARATION**

You must **read, date and sign** the statement below in order to make a valid claim.

**I HEREBY DECLARE:**

1. On September 9, 2002, I was the owner or lessee of the vehicle identified above.
2. When I decided to purchase or lease the vehicle, I was aware of the published horsepower rating of the vehicle and it was a consideration in my decision to buy or lease the vehicle.
3. I agree to participate in the Settlement Agreement referred to herein.
4. I understand and agree that the settlement provides for the release of any claims that I may have based on any overstatement of the horsepower rating of the vehicle identified above, as more particularly set out in the Settlement Agreement.
5. The information provided in and with this Claim Form is true and correct to the best of my knowledge and belief.

6. *[This statement applies to you only if you do not submit an ownership or lease document **and** you are unable to provide the VIN of your Hyundai vehicle].* I hereby authorize Hyundai to search public records, entirely at Hyundai's expense, for the purpose of determining if I owned or leased my Hyundai vehicle on September 9, 2002. I also agree to sign a further authorization to search public records if (a) Hyundai requests me to sign such an authorization and (b) the authorization I have given in the preceding sentence does not enable Hyundai to make an adequate search of public records.

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Date

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Signature

You must also provide proof of ownership or leasing of the vehicle in the form of a copy of (a) the registration certificate for the vehicle, if you owned the vehicle, or (b) a copy of the lease agreement for the vehicle, if you leased the vehicle, or (c) if you no longer possess the registration certificate or the lease agreement, a sworn statement that you owned or leased the vehicle as of September 9, 2002.

**If (c) applies to you, please use the form of affidavit attached to this claim form – this affidavit must be executed before a commissioner of oaths, lawyer or notary public.** If (a) or (b) applies to you, please send only a photocopy of the registration certificate or lease agreement. DO NOT send original documents.

To make your claim, send this signed, completed claim form, together with your proof of vehicle ownership or leasing, or your affidavit (if applicable), to the claims address above so that it is received no later than December 12, 2005.

### TABLE A

#### TO DETERMINE THE AMOUNT OF COMPENSATION\* TO WHICH YOU ARE ENTITLED, PLEASE REFER TO THIS TABLE

\*Note: The amounts stated in this table are subject to reduction in order to pay legal fees to the lawyers representing the plaintiff and the class members in this legal proceeding

<b>GROUP</b>	<b>VEHICLE MODEL and YEAR</b>	<b>AMOUNT: (NO ENROLMENT IN GOODWILL PROGRAM, OR (A) CLAIMANT IS ELIGIBLE TO WAIVE GOODWILL BENEFITS AND (B) CLAIMANT ELECTS TO WAIVE GOODWILL BENEFITS)</b>	<b>AMOUNT (ENROLMENT IN GOODWILL PROGRAM, AND (A) CLAIMANT NOT ELIGIBLE TO WAIVE GOODWILL BENEFITS OR (B) CLAIMANT IS ELIGIBLE TO WAIVE GOODWILL BENEFITS BUT DOES NOT DO SO)</b>
<b>Group A</b>	Accent 1.5 litre DOHC (1996) Santa Fe 2.4 litre (2002) Sonata 2.4 litre (2001, 2002) Sonata 2.0 litre (1997, 1998)	\$180	\$116
<b>Group B</b>	Accent 1.5 litre DOHC (1997) Sonata 2.7 litre (2002) Tiburon 2.7 litre (2003)	\$120	\$66
<b>Group C</b>	Accent 1.5 litre (1999) Santa Fe 2.7 litre (2001,2002) Sonata 2.5 litre (2000) Tiburon 2.0 litre (2003) Elantra 1.8 litre (1997) XG300 3.0 litre (2001)	\$60	\$17
<b>Group D</b>	Elantra 2.0 litre (2000-2002) Tiburon 2.0 litre (1997-2001) Accent 1.5 litre (2001, 2002) Accent 1.6 litre (2002) Sonata 2.5 litre (2001)	\$40	N/A

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

GRAHAM BARHAM

Plaintiff

- and -

HYUNDAI CANADA INC., HYUNDAI MOTOR AMERICA, INC. (c.o.b. as "HYUNDAI  
AUTO CANADA"), HYUNDAI MOTOR COMPANY and KIA CANADA, INC.

Defendants

**AFFIDAVIT OF \_\_\_\_\_  
NAME**

I, \_\_\_\_\_, of the City/Town of \_\_\_\_\_, in the  
County/Region of \_\_\_\_\_ in the Province of \_\_\_\_\_, MAKE  
OATH AND SAY:

1. On September 9, 2002, I was an owner/lessee [circle applicable  
term] of the following Hyundai vehicle:

\_\_\_\_\_ [state vehicle model  
and model year].

**Note:** This is a legal document and must be signed and sworn in the presence of a Notary Public, Lawyer,  
or Commissioner of Oaths in order to be accepted.

**SWORN OR AFFIRMED** before me )  
at the City of, \_\_\_\_\_ in the )  
County/Region of \_\_\_\_\_, in the )  
Province of \_\_\_\_\_ this \_\_\_\_\_ day of )  
\_\_\_\_\_, 2005. )

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Name of Affiant