

#### LEGAL NOTICE BY ORDER OF THE COURT

IF YOU HAD A BANK OF AMERICA CONSUMER CREDIT CARD WITH A CALIFORNIA BILLING ADDRESS, OR A BANK OF AMERICA NON-BUSINESS CHECKING OR SAVINGS ACCOUNT, OR A BANK OF AMERICA NON-BUSINESS LOAN SECURED BY RESIDENTIAL REAL ESTATE (I.E., A MORTGAGE LOAN) AT ANY TIME BETWEEN SEPTEMBER 9, 1995 AND MAY 31, 2007.

#### YOU CAN CLAIM BENEFITS IN A PROPOSED CLASS ACTION SETTLEMENT.

A California Court authorized this notice.

This is not a solicitation from a lawyer.

- A settlement has been proposed in a class action lawsuit against Bank of America for its alleged practice of disclosing customers' confidential information to third parties to market products or services and its communications with customers and the public about how it handled customer information. The settlement will provide benefits to anyone who, at any time between September 9, 1995 and May 31, 2007, had (1) a Bank of America non-business checking or savings account, (2) a non-business loan with Bank of America secured by residential real estate (i.e., a mortgage loan); OR (3) a Bank of America branded consumer credit card and a California mailing address for purposes of communicating with Bank of America.
- Your legal rights are affected whether or not you respond.

Read this notice carefully.

#### YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

**SUBMIT A CLAIM FORM OR CALL 1-800-462-2317:** The only way to get a designated benefit (except the Privacy Tool Kit brochure available on the Internet, and waivers of certain fees for checking and savings account customers, which are automatic).

**EXCLUDE YOURSELF:** Get no designated benefit. This is the only option that lets you be part of any other lawsuit against Bank of America that asserts the legal claims in this case.

**OBJECT:** Write to the Court about why you don't think the settlement is fair, reasonable and adequate.

**GO TO A HEARING:** Ask to speak in Court about the fairness of the settlement.

**DO NOTHING:** Get no designated benefit (except the automatic waivers of certain fees for checking and savings accounts, as described below). Give up your right to make a claim against Bank of America about the challenged practices.

#### WHAT IS THIS LAWSUIT ABOUT?

The lawsuit was filed in 1999 by certain individuals and a privacy organization who claim Bank of America improperly disclosed customers' confidential information to third parties, and misrepresented the scope and nature of its customer privacy policy. The time period involved is from September 9, 1995 to May 31, 2007. Bank of America denies all allegations of wrongdoing and contends that it fully complied with the law, its privacy policy and its customer agreements.

#### HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the Settlement Class and are affected by the settlement if you are a U.S. resident and if at any time between September 9, 1995 and May 31, 2007, you had (1) a Bank of America non-business checking or savings account, (2) a non-business loan with Bank of America secured by residential real estate (i.e., a mortgage loan), or (3) a Bank of America branded consumer credit card and a California mailing address for purposes of communicating with Bank of America.

If you meet this description, you are automatically a member of the Settlement Class (a "Class Member") and are automatically included in the settlement unless your valid request for exclusion is received by the Claims Administrator by August 15, 2007.

#### WHAT DOES THE SETTLEMENT PROVIDE?

Bank of America has made changes to its privacy policies, its website, and its telephonic opt-out procedures. Bank of America has also agreed to provide additional benefits described later in this paragraph, and to provide at least \$10.75 million in the following benefits to Class Members:

- For all class members:** Vouchers good for a discount of \$200 off loan origination fees (including borrower fees, lender fees, and closing costs) for a new first mortgage loan on residential property or a refinance of a mortgage loan on residential property.
- For class members with checking or savings accounts:** Automatic waivers of fees for domestic deposited items returned, or for phone calls to Bank of America's automated Voice Response Unit for checking or savings accounts.
- For class members who have or had a Bank of America-branded consumer credit card and a California mailing address for purposes of communicating with the Bank:** 12 free months of Card Registry, described at [www.bankprivacycase.com](http://www.bankprivacycase.com), which lets you register your credit cards, and in case of loss, provides immediate notification to the card issuers, monitors your credit file for six months for potential fraud, and other benefits (a \$30 retail value).
- For class members who have or had a Bank of America-branded consumer credit card and a California mailing address for purposes of communicating with the Bank:** 90 free days of Identity Theft Protection Service, described at [www.bankprivacycase.com](http://www.bankprivacycase.com), which provides you with online access to your credit score, credit monitoring, and compensation for certain losses for identity theft (a \$17.85 retail value).

The benefits described in (c) and (d) will not be continued past the free period without your explicit authorization. Intersections, Inc., the company that provides the Card Registry and Identity Theft Protection Service, may request certain personal information from you in order to provide those benefits. Intersections will not sell or share the personal information it obtains about you with any other company for marketing purposes. You may cancel the benefits described in (c) and (d) at any time.

In addition to the benefits described above, Bank of America has agreed to make available on the web at [www.bankprivacycase.com](http://www.bankprivacycase.com), and by direct mail to each Class Member who requests it on the claim form or by calling 1-800-462-2317, a Privacy Tool Kit brochure. This publication tells you how to protect your privacy, provides useful tips on how to reduce your risk of identity theft, explains how to order free credit reports from the three major credit bureaus (Equifax, Experian and TransUnion) and tells you how to dispute errors on your credit report. Bank of America has also agreed to contribute \$3.25 million to promote privacy-related projects, of which \$1.75 million will be allocated to the Rose Foundation to distribute to one or more non-profit entities that specialize in privacy-related programs, and \$1.5 million will be allocated among several non-profit entities for their privacy-related programs.

#### HOW DO I GET A BENEFIT?

To obtain the \$200 discount voucher, or the free Card Registry or Identity Theft Protection Service, you must send a Claim Form or call 1-800-462-2317. You can obtain a Claim Form on the Internet at [www.bankprivacycase.com](http://www.bankprivacycase.com). Read the

instructions carefully, fill out the form, and submit it by mail or online, as instructed, no later than **October 1, 2007**. Or call 1-800-462-2317 by no later than **October 1, 2007**.

To obtain the Privacy Tool Kit brochure, you can download it at [www.bankprivacycase.com](http://www.bankprivacycase.com), or you can ask that it be mailed to you by submitting the Claim Form or calling 1-800-462-2317 no later than **October 1, 2007**.

#### WHAT AM I GIVING UP TO GET A BENEFIT OR STAY IN THE SETTLEMENT CLASS?

If you don't exclude yourself, you are staying in the Settlement Class, which means that you can't be part of any other lawsuit against Bank of America about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. It also means that you are agreeing to a "Release of Claims," explained in the full Class Notice, which describes the legal claims you give up.

#### HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

If you don't want a benefit from this settlement, but you want to keep the right to sue or continue to sue Bank of America on your own about the legal issues in this case, you must exclude yourself from the Settlement Class - sometimes referred to as opting out of the Settlement Class.

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded. Be sure to include: (1) the name of this lawsuit, **Consumer Privacy Cases**, J.C.C.P. No. 4211; (2) your full name and current address; (3) your Bank of America account number(s); (4) a statement of intention to exclude yourself and all other persons on the account(s) from the settlement; and (5) the signature of all persons on the account(s). You must mail your exclusion request so that it is received no later than August 15, 2007 to:

Bank of America Privacy Litigation  
Opt-Out Request  
PO Box 4098  
Portland, OR 97208-4098

REQUESTS FOR EXCLUSION THAT ARE NOT RECEIVED BY AUGUST 15, 2007 WILL NOT BE HONORED.

You can't exclude yourself on the phone or by email. You also can't exclude yourself by mailing a request to any other location or after the deadline. **Complete details on the decision to exclude yourself are available in the full Class Notice.**

#### DO I HAVE A LAWYER IN THE CASE?

The Class Representatives retained the law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 655 West Broadway, Suite 1900, San Diego, California 92101, Altschuler Berzon LLP, 177 Post Street, Suite 300, San Francisco, California 94108, and Yeroushalmi & Associates, Wilshire Park Place, 3700 Wilshire Blvd., Suite 480, Los Angeles, California 90010, to represent them. Together, the lawyers are called Class Counsel. You will not be charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### HOW WILL THE LAWYERS BE PAID?

Class Counsel will ask the Court for attorneys' fees and expenses, which Bank of America has agreed to pay up to \$4,000,000. The Court may award less than this amount. Bank of America's payment of the attorney's fees and expenses, or the costs of administering the settlement, will not affect the benefits available to Class Members.

The six individual Class Representatives will ask the Court to award them \$5,000 each for their service to the class. If the Court grants this request, the service awards to Class Representatives will be paid from the amount awarded for attorneys' fees and expenses, and will not affect the benefits available to Class Members.

#### HOW DO I TELL THE COURT IF I DON'T LIKE THE SETTLEMENT?

If you're a Class Member, you can object to the settlement if you don't think any part of the settlement is fair, reasonable or adequate. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter stating that you object to the settlement. Be sure to include (1) the name of this lawsuit, **Consumer Privacy Cases**, J.C.C.P. No. 4211; (2) your full name, current address and telephone number; (3) the reasons you object to the settlement; (4) proof that at any time between September 9, 1995 and May 31, 2007, you had (a) a Bank of America non-business checking or savings account, (b) a non-business loan with Bank of America secured by residential real estate, or (c) a Bank of America consumer credit card and had a California mailing address for purposes of communicating with Bank of America, and (5) your signature. Mail the objection to these three different places so that they are received no later than August 15, 2007:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court	Bonny Sweeney	Arne Wagner
San Francisco Superior Court	Lerach Coughlin, LLP	Calvo & Clark, LLP
400 McAllister St	655 W. Broadway	1 Lombard Street
San Francisco, CA 94102	Suite 1900	2nd Floor
	San Diego, CA92101	San Francisco, CA 94111

You also must file a Proof of Service with the Court stating that you mailed or delivered copies of these papers to class and defense counsel.

#### WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?

The Court will hold a Fairness Hearing at 1:30 p.m. on September 12, 2007 at the San Francisco Superior Court, 400 McAllister Street, Department 304, San Francisco, California 94102-4514. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. You may attend, but you don't have to. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests to speak at the hearing. The Court may also decide how much Bank of America will be ordered to pay Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take or whether any objectors will appeal.

#### WHAT HAPPENS IF I DO NOTHING?

If you don't file a claim form, you won't be able to receive any benefits described in paragraph 4 (except the Privacy Tool Kit brochure available on the Internet, and the waivers of certain fees for checking and savings accounts, which are automatic, even if you don't file a claim form). But unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Bank of America about the legal issues in this case.

#### ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?

This notice summarizes the proposed settlement. More details are in the full Class Notice and the Settlement Agreement, which are posted on the web at [www.bankprivacycase.com](http://www.bankprivacycase.com). You can also get a copy of the full Class Notice and the Settlement Agreement at the office of the Court Clerk, 400 McAllister Street, San Francisco, California 94102, between 9:00 a.m. to 4:00 p.m., Monday through Friday, except holidays.

#### HOW DO I GET MORE INFORMATION?

You can visit the website at [www.bankprivacycase.com](http://www.bankprivacycase.com), where you will find answers to common questions about the settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a benefit. If you have questions about the case, you can write to Bonny Sweeney at Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 655 West Broadway, Suite 1900, San Diego, California 92101-3301. **DO NOT CONTACT BANK OF AMERICA OR THE COURT FOR INFORMATION.**

Questions? Call 1-800-462-2317 or visit [www.BankPrivacyCase.com](http://www.BankPrivacyCase.com)