

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JAVIER TAMES, Individually and on behalf of all others similarly situated,)	Case No. 2:17-cv-01416-ADS-ARL
)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
v.)	
)	
DESARROLLADORA HOMEX, S.A.B. DE C.V.)	
a/k/a/ HOMEX DEVELOPMENT CORP.,)	
GERARDO DE NICOLAS GUTIERREZ, and)	
CARLOS MOCTEZUMA VELASCO,)	
)	
Defendants.)	

PROOF OF CLAIM AND RELEASE

A. GENERAL INSTRUCTIONS

1. To recover as a member of the Settlement Class based on your claims in the action entitled *Tames v. Desarrolladora Homex, S.A.B. de C.V. et al.*, Case No. 2:17-cv-01416-ADS-ARL (E.D.N.Y.) (the “Action”), you must complete and, on page 6 below, sign this Proof of Claim and Release form (“Claim Form”). If you fail to submit a timely and properly addressed (as explained in paragraph 3 below) Claim Form, your claim may be rejected and you may not receive any recovery from the Net Settlement Fund created in connection with the proposed Settlement.

2. Submission of this Claim Form, however, does not assure that you will share in the proceeds of the Settlement of the Action.

3. THIS CLAIM FORM MUST BE SUBMITTED ONLINE AT WWW.HOMEXSECURITIESLITIGATION.COM NO LATER THAN SEPTEMBER 9, 2020 OR, IF MAILED, BE POSTMARKED OR RECEIVED NO LATER THAN SEPTEMBER 9, 2020, ADDRESSED AS FOLLOWS:

Tames v. Desarrolladora Homex, S.A.B. de C.V.,
c/o Angeion Group, LLC
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

4. If you are a member of the Settlement Class and you do not timely request exclusion in response to the Notice dated June 11, 2020 you are bound by the terms of any judgment entered

in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A CLAIM FORM OR RECEIVE A PAYMENT.

B. CLAIMANT IDENTIFICATION

1. If you purchased or acquired the publicly traded American Depositary Receipts (“ADRs”) of Homex between April 30, 2012 and May 5, 2016, inclusive (the “Class Period”) and held the ADRs in your name, you are the beneficial purchaser as well as the record purchaser. If, however, you purchased or acquired Homex ADRs during the Class Period through a third party, such as a brokerage firm, you are the beneficial purchaser and the third party is the record purchaser.

2. Use Part I of this form entitled “Claimant Identification” to identify each beneficial purchaser or acquirer of Homex ADRs that forms the basis of this claim, as well as the purchaser or acquirer of record if different. **THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S).**

3. All joint purchasers must sign this claim. Executors, administrators, guardians, conservators, and trustees must complete and sign this claim on behalf of persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

C. IDENTIFICATION OF TRANSACTIONS

1. Use Part II of this form entitled “Schedule of Transactions in Homex ADRs” to supply all required details of your transaction(s) in Homex ADRs. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

2. On the schedules, provide all of the requested information with respect to: (i) all of your holdings of Homex ADRs as of the beginning of trading on April 30, 2012; (ii) all of your purchases, acquisitions, and sales of Homex ADRs during the time periods below; and (iii) all of your holdings in Homex ADRs as of the close of trading on May 5, 2016, whether such purchases, acquisitions, sales or transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim.

3. The date of covering a “short sale” is deemed to be the date of purchase of Homex ADRs. The date of a “short sale” is deemed to be the date of sale.

4. Copies of broker confirmations or other documentation of your transactions in Homex ADRs must be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim. **THE PARTIES DO NOT HAVE INFORMATION ABOUT YOUR TRANSACTIONS IN HOMEX ADRs.**

5. **NOTICE REGARDING ELECTRONIC FILES:** Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. All claimants **MUST** submit a manually signed paper Claim Form whether or not they also submit electronic copies. If you wish to file your claim electronically, you

PART II – SCHEDULE OF TRANSACTIONS IN HOMEX ADRs

1. HOLDINGS AS OF OPENING OF TRADING ON APRIL 30, 2012 – State the total number of American Depositary Receipts of Homex held as of the opening of trading on April 30, 2012. (Must be documented.) If none, write “zero” or “0.” _____				Confirm Proof of Position Enclosed <input type="radio"/>
2. PURCHASES/ACQUISITIONS FROM APRIL 30, 2012 THROUGH MAY 5, 2016. Separately list each and every purchase/acquisition of American Depositary Receipts of Homex from after the opening of trading on April 30, 2012 through and including the close of trading on May 5, 2016. (Must be documented.)				
Date of Purchase/ Acquisition (List Chronologically) (Month/Day/Year)	Number of ADRs Purchased/ Acquired	Purchase/ Acquisition Price Per Share	Total Purchase/ Acquisition Price (excluding taxes, commissions, and fees)	Confirm Proof of Purchase/ Acquisition Enclosed
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>
3. PURCHASES/ACQUISITIONS FROM MAY 6, 2016 THROUGH AUGUST 3, 2016 – State the total number of American Depositary Receipts of Homex purchased/acquired from after the opening of trading on May 6, 2016 through and including the close of trading on August 3, 2016. If none, write “zero” or “0.” ¹ _____				
4. SALES FROM APRIL 30, 2012 THROUGH AUGUST 3, 2016 – Separately list each and every sale/disposition of American Depositary Receipts of Homex from after the opening of trading on April 30, 2012 through and including the close of trading on August 3, 2016. (Must be documented.)				IF NONE, CHECK HERE <input type="radio"/>
Date of Sale (List Chronologically) (Month/Day/Year)	Number of ADRs Sold	Sale Price Per Share	Total Sale Price (excluding taxes, commissions, and fees)	Confirm Proof of Sale Enclosed
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>
/ /		\$	\$	<input type="radio"/>

¹ **Please note:** Information requested with respect to your purchases/acquisitions of Homex ADRs from after the opening of trading on May 6, 2016 through and including the close of trading on August 3, 2016 is needed in order to balance your claim; purchases during this period, however, are not eligible under the Settlement and will not be used for purposes of calculating your Recognized Claim pursuant to the Plan of Allocation.

5. HOLDINGS AS OF AUGUST 3, 2016 – State the total number of American Depositary Receipts of Homex held as of the close of trading on August 3, 2016. (Must be documented.) If none, write “zero” or “0.” _____	Confirm Proof of Position Enclosed ○
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IF YOU NEED ADDITIONAL SPACE TO LIST YOUR TRANSACTIONS, PLEASE PHOTOCOPY THIS PAGE, WRITE YOUR NAME, AND CHECK THIS BOX:

**PART III – SUBMISSION TO JURISDICTION OF COURT AND
ACKNOWLEDGMENTS**

YOU MUST READ AND SIGN THE RELEASE BELOW. FAILURE TO SIGN MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

1. I (We) submit this Proof of Claim and Release under the terms of the Stipulation and Agreement of Settlement, dated May 5, 2020 (the “Stipulation”) described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Eastern District of New York, with respect to my (our) claim as a Settlement 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 Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim (including transactions in other Homex securities) if requested to do so. I (We) have not submitted any other claim in the Action covering the same purchases or sales of Homex ADRs during the Class Period and know of no other person having done so on my (our) behalf.

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

3. 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.

4. I (We) hereby warrant and represent that I (we) have included the information requested about all of my (our) transactions in Homex ADRs which are the subject of this claim, as well as the opening and closing positions in such securities held by me (us) on the dates requested in this Claim Form.

5. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code. (Note: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the prior sentence.)

I declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied on this Claim Form by the undersigned is true and correct.

Executed this _____ day of _____, in _____, _____.
(Month / Year) (City) (State/Country)

Signature of Claimant

Signature of Joint Claimant, if any

Print Name of Claimant

Print Name of Joint Claimant, if any

(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 acknowledgement.
2. If this claim is being made on behalf of Joint Claimants, then both must sign.
3. Remember to attach copies of supporting documentation, if available.
4. **Do not send** originals of certificates.
5. Keep a copy of your Claim Form and all supporting documentation for your records.
6. Within 45 days of receipt of your claim, the Claims Administrator will send an email or a post card acknowledging receipt and providing you with your claim number. A claim will not be considered filed unless you receive an email or post card acknowledgment. If you do not receive such acknowledgment within 45 days, please contact the Claims Administrator at Info@HomexSecuritiesLitigation.com.
7. If you move, please send your new address to:
Tames v. Desarrolladora Homex, S.A.B. de C.V.
c/o Angeion Group, LLC
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
(833) 508-0996
8. **Do not use red pen or highlighter** on the Claim Form or supporting documentation.