

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

STEPHEN CHAVEZ, DULCE HERNANDEZ,
and JUDITH RUE, *et. al.*

Plaintiffs,

v.

No. D-202-CV-2020-00757

NODEL PARKS, LLC, AZTEC VILLAGE MHC, LLC, dba AZTEC VILLAGE, VILLAGE PARK MHC, LLC, dba VILLAGE PARK, LONGVIEW MHC, LLC, dba LONGVIEW, TIERRA WEST MHC, LLC dba TIERRA WEST ESTATES, SOUTH POINTE VILLAGE, MHC, LLC, dba SOUTH POINTE VILLAGE, RIO GRANDE ASSOCIATES, LLC, dba VAN CLEAVE PLACE, RICHARD NODEL, individually, and as owner of Nodel Parks, LLC, and ED SUMMONS, individually, and as authorized agent for Nodel Parks, LLC

Defendants.

NOTICE OF CLASS ACTION SETTLEMENT

You have not been sued. This notice tells you about a lawsuit which affects your rights. Please read this notice carefully.

I. WHAT THE LAWSUIT IS ABOUT

Plaintiffs filed this class action lawsuit against Defendants Nodel Parks, LLC; Aztec Village MHC, LLC (doing business as Aztec Village); Village Park MHC, LLC (doing business as Village Park); Longview MHC, LLC (doing business as Longview); Tierra West MHC, LLC (doing business as Tierra West Estates); South Pointe Village MHC, LLC (doing business as South Pointe Village); Rio Grande Associates, LLC (doing business as Van Cleave Place); Richard Nodel, individually and as owner of Nodel Parks, LLC; and Ed Summons, individually and as authorized agent for Nodel Parks, LLC. The lawsuit was filed in the Second Judicial District Court, Bernalillo County, New Mexico (case number D-202-CV-2020-00757).

The lawsuit concerns violation fees, utility administrative fees, the method used to bill residents for utilities, and the enforcement of community rules affecting residents who lived in the six mobile home parks listed above. Plaintiffs allege that Defendants' practices violated New Mexico law, and that affected residents are entitled to damages. Defendants deny Plaintiffs' allegations.

The lawyers representing Plaintiffs and the class are: Maria Griego and Riley Masse who work at the non-profit law firm and advocacy organization New Mexico Center on Law and Poverty, 301 Edith Blvd. NE, Albuquerque, NM 87102; phone (505) 255-2840; www.nmpovertylaw.org, Nicholas H. Mattison is with the consumer protection law firm Feferman, Warren & Mattison, located at 300 Central Ave. SW, Suite 2000 West, Albuquerque, NM 87102; phone (505) 243-7773; www.nmconsumerwarriors.com, and Charles Parnall and David Adams with Parnall & Adams Law, located at 5931 Jefferson St. NE, Suite B, Albuquerque, NM 87109; phone (505) 886-4446; www.parnalladams.com.

The Court has ruled that Plaintiffs Stephen Chavez, Judith Enriquez, and Dulce Hernandez are the representatives of the following group, or “class,” for purposes of settlement: “All current and former residents of the six Defendant mobile home parks who, during the four years preceding the filing of this lawsuit and continuing through September 5, 2025, resided in one of the Defendant parks.” **You are one of the people in the class.**

Now, the parties have negotiated a settlement in the amount of \$567,600.00. If approved by the Court, class members will receive the settlement benefits described below. Plaintiffs will also use the cash portion of the settlement amount to pay their attorneys’ fees, litigation costs, costs of class administration (such as the cost of sending this notice and distributing checks), and applicable taxes. Plaintiff plans to request that the Court approve payment of \$100,000.00 to cover attorneys’ fees, \$7,625.00 for taxes, \$9,016.68 to cover costs other than administration, plus \$19,883.30 to cover costs of administration. Plaintiffs will also ask the Court to approve service awards of \$10,000 each for Stephen Chavez, Judith Enriquez, and Dulce Hernandez, reflecting their work in this case. The remaining \$401,075.02 will be divided equally amongst class members. It is anticipated that each class member will receive a payment of \$199.24.

Defendants have further agreed to an order that will permanently prohibit them from imposing or collecting violation charges from residents; require clear, advance written disclosure of all utility administrative fees and other non-rent charges; require transparent, itemized utility billing that either provides the resident’s actual usage or, if unavailable, the total amount billed to the park and the formula used to calculate each resident’s charge, separately itemizes any administrative utility fees, and prohibits charges exceeding actual utility costs; require Defendants to reissue community rules, to revise policies, forms, leases, and notices to comply with New Mexico law.

II. WHY WE ARE SENDING YOU THIS NOTICE

You are a member of the class, who will be entitled to receive the settlement benefits described above, as applicable. This notice explains the nature of the lawsuit and informs you of your legal rights.

IN ORDER TO OBTAIN THE BENEFITS OF THIS LAWSUIT, YOU DO NOT HAVE TO DO ANYTHING. However, if this notice was forwarded by the Postal Service, or if it was sent to you at an address which is not current, you should immediately contact the class administrator named below, stating your past and current addresses. If you move from this address, you should send notice of your new address again.

If the person to whom this notice was sent has died, please contact the class administrator, explaining who is entitled to the payment, and include any supporting documentation.

Contact information for the class administrator (for change of address or deceased class member): visit the website at www.chavezsettlement.com. You may also write to Chavez v Nodel Parks, c/o Settlement Administrator, PO Box 23678, Jacksonville, FL 32241 or email info@chavezsettlement.com.

III. YOUR OPTIONS

You have three choices: (1) accept the settlement, (2) exclude yourself from the settlement, or (3) object to the settlement.

1. Accepting the Settlement. IF YOU WISH TO TAKE PART IN THE SETTLEMENT, YOU DO NOT HAVE TO DO ANYTHING. If you take part in the settlement, you will be bound by the Settlement Agreement. You will receive the settlement benefits described above, as applicable, including a check. However, it also means that you will release claims against Defendants relating to the transactions in this lawsuit. Plaintiffs’ attorneys represent you; you will not need to pay them any money out of pocket. The Court will hold a final approval hearing on September 2, 2026 at 10:00 a.m. at Second Judicial District

Court, 400 Lomas Blvd NW, Albuquerque, NM 87102, before the Honorable Denise Barela-Shepherd to determine whether to approve the settlement. **IF YOU TAKE PART IN THE SETTLEMENT AND DO NOT OBJECT TO IT, YOU DO NOT HAVE TO APPEAR AT THE HEARING.**

2. Excluding yourself from the Settlement. If you exclude yourself from the settlement, you will not receive any benefits, including any check. You will not be bound by the settlement, and you will keep your individual right to sue Defendants on the claims raised in this litigation. If you exclude yourself, you cannot also object to the settlement. If you want to exclude yourself from the settlement, you must file a request to be excluded in writing. The request must contain: (a) your full name, address, and daytime telephone number; (b) an identification of this case by name and case number (shown at the top of this notice); (c) a statement that you want to be excluded from the class and the settlement; and (d) your signature. You must, no later than August 3, 2026, file your request to be excluded from the class with the Second Judicial District Court, 400 Lomas Blvd NW, Albuquerque, NM 87102 and also mail a copy of it to Plaintiffs' counsel, Nicholas H. Mattison, Feferman, Warren & Mattison, 300 Central Ave SW, Ste. 2000 West, Albuquerque, NM 87102. If your request to be excluded is not received by August 3, 2026, it will not be considered by the Court and you will remain a class member.

3. Objecting to the Settlement. You have the right to object to the proposed settlement, and also to the proposed relief to class members, the proposed award of attorneys' fees, taxes, and costs, and the proposed service awards. If you object to the settlement, you must submit your objection in writing. You must, no later than August 3, 2026, file your objection with the Second Judicial District Court, 400 Lomas Blvd NW, Albuquerque, NM 87102 and also mail a copy of it to Plaintiffs' counsel, Nicholas H. Mattison, Feferman, Warren & Mattison, 300 Central Ave SW, Ste. 2000 West, Albuquerque, NM 87102. Any objection must include (a) your full name, address, and daytime telephone number; (b) an identification of this case by name and case number (shown at the top of this notice); (c) if you plan to appear through counsel, counsel's name, address and phone number; (d) a detailed statement of the specific legal and factual bases for each and every objection, and, if through counsel, a legal memorandum in support of the objection; (e) a list of any witnesses, along with the expected testimony of each such witness, and photocopies of exhibits which the objector intends to introduce at the final approval hearing; and (f) your signature. If your objection is not received by August 3, 2026, it will not be considered by the Court. **IF YOU DO OBJECT, YOU ALSO MUST APPEAR AT THE HEARING ON SEPTEMBER 2, 2026.**

IV. OTHER MATTERS

This description of the case is general and does not cover all of the issues and proceedings so far. In order to see the complete file, you should contact the office of the Clerk of Court. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

If you have questions, you should contact the attorney or class administrator listed above. **DO NOT CONTACT THE CLERK OF THE COURT OR THE JUDGE WITH QUESTIONS.** They are not permitted to answer your questions.