

## **SUMMARY AND DEFINITIONS**

### **I. SUMMARY**

**This summary provides an overview of the Claim Form and explains some of the terms used in the Claim Form.**

**YOU MUST COMPLETE ALL PARTS OF THE CLAIM FORM AND SIGN IT AND THE SETTLEMENT AGREEMENT FOR YOUR CLAIM TO BE PROCESSED.**

#### **PART 1 – TIER SELECTION**

**There are three tiers for payments. You may only choose to participate in ONE.**

**ONCE YOU SUBMIT THE CLAIM FORM, YOUR SELECTION IS FINAL.**

#### **PART 2 – CLAIM INFORMATION**

Please answer all questions and provide details to support your claim. If you have any questions about the Claim Form, please contact [Claims Administrator Contact Information] or [Cooperator Contact Information].

#### **PART 3 – ACKNOWLEDGEMENTS**

**You must agree to all eight questions in the Claim Form for your claim to be considered.**

**Acknowledgement 1 – Finality -** This acknowledgement states that all decisions by the Administrator (Epiq Systems) or the Adjudicator (JAMS Inc.) are final. Neither the Claimant nor USDA can appeal decisions made by the Administrator or the Adjudicator.

**Acknowledgement 2 – Release of rights -** This acknowledgement states that you give up the right to file a lawsuit on your claims of USDA farm loan discrimination that arose during the same time period covered by this claims process. You must sign the settlement agreement

included in your claims package.

**Acknowledgement 3 – Awards** - This acknowledgement states the maximum monetary award depending on the Tier you choose. It also states that successful Claimants who currently hold debt with the Farm Service Agency (“FSA”) may be eligible for debt forgiveness on certain qualifying loans.

**Acknowledgement 4 – Taxes** - This acknowledgement states that successful Claimants may receive an additional payment for taxes under Tiers 1(a) and 2. This payment is not intended to pay all of your taxes.

**Acknowledgement 5 – Documentation** - If specific documentation is required on the Claim Form, you must submit the documentation.

**Acknowledgement 6 – Single recovery** – An individual who is both Hispanic and female can only recover once in this process.

**Acknowledgement 7 – One Claim** - The claims process provides for only one payment for each farm operation with a successful claim.

**Acknowledgement 8 - Other Actions** - If you, a spouse, or anyone on your behalf has already participated in Pigford I, In re Black Farmers Discrimination Litigation, or Keepseagle by filing a claim, then you will not be permitted to file a claim in this program.

#### **PART 4 – CLAIMANT INFORMATION**

This section asks for basic information about the Claimant. **You must complete this Part.** You must keep the Claims Administrator informed about any changes in your mailing address, telephone number, or e-mail address because that is the information that the Claims

Administrator will use to contact you about your claim.

### **Information About the Claimant's Legal Representative**

Please complete this section only if the Claimant is:

- 1) Dead; OR
- 2) Unable to fill out his or her own claim form due to a disability.

If you are the Claimant's representative, you must submit the Court Order appointing you as the Claimant's legal representative or executor of the will, power of attorney documents, or other proof of guardianship. If you are submitting a claim on behalf of a deceased Claimant, you must submit a copy of the death certificate.

## **II. DEFINITIONS**

**Administrator** – The neutral party who will process the claim package that you submit. For this process, the Administrator is Epiq Systems, Inc.

**Adjudicator** - The neutral party who will decide whether claimants in this claims process will receive an award and if so, what type of award (cash award, debt relief, tax relief) and how much. For this process, the Adjudicator is JAMS, Inc.

**Co-Applicant** –An individual who jointly applied to the USDA for a farm loan or loan servicing with a claimant to this claims process. Claims from individuals who jointly own and operate a farm together will be treated as one claim in this process.

**Debt forgiveness** – USDA actions to cancel all, or part of, of your existing farm loan debt.

**Economic damages** - Include any amount of money that you had to spend, lost or did not make because of the alleged USDA discrimination.

**Farm/Farmer** – Ranch operations and ranchers are also eligible for this claims process. Where farm or farmers appears in this claim form, it also includes ranches and ranchers.

**Loan Servicing** - USDA actions on an existing USDA farm loan, including loan consolidation, restructuring, rescheduling, deferral of payments, or other services.

**Participation in other USDA settlements or other proceedings** - “Participated in” means that you, a spouse, or anyone on your behalf asserted a claim in Pigford I, In re Black Farmers Discrimination Litigation (“Pigford II”), or Keepseagle. Claims packages submitted for consideration in this claims process by persons who participated in Pigford I or Pigford II will be disallowed by the Claims Administrator. Native American farmers who are also Hispanic or female cannot participate in this claims process and Keepseagle with respect to the same underlying claim of discrimination. “Participated in” also means that a farmer asserted a claim in any other administrative or civil proceeding alleging lending discrimination by USDA during the Relevant Period and received a final resolution of the claim. The Claims Administrator will check your name and the address of your farm to determine whether you filed a claim or a claim was filed on your behalf in these other cases or other administrative or civil proceedings.

**Preponderance of the evidence standard** - Evidence (for example, documents or sworn statements) that proves that something is more likely true than not true.

**Relevant Period for Discrimination** -

**January 1, 1981-December 31, 1996 – All claimants**

**October 13, 1998 – October 13, 2000 – Hispanic claimants only**

**October 19, 1998 – October 19, 2000 – Female claimants only**

**Settlement Agreement** – A document contained in your claims package that you must submit and sign for your claim to be considered. By signing the Settlement Agreement, you are waiving your right to sue USDA or the U.S. Government for lending discrimination that happened during the same time period covered by this claims process.

**Similarly situated farmer or rancher** – It means a farmer or rancher who is like you and had a similar farm or ranch, but is of a different race, ethnicity or gender.

**Sole proprietor** – Someone who owns and runs a business by himself or herself.

**Substantial evidence standard** - Evidence that a reasonable person might accept as adequate to support a conclusion after taking into account other evidence that does not support that conclusion.

**Sworn, verified, or notarized written witness statement** – A document that states facts that an individual swears to be true and accurate. Such statements are often signed and stamped by a notary public.

## **PART 1 – TIER SELECTION**

There are three tiers, which are described immediately below: TIERS: 1(a), 1(b), and 2. You must select one.

### **WHAT CAN I GET IF I FILE A SUCCESSFUL CLAIM?**

**There are three tiers for payments. Each tier provides for a different payment amount and requires that you send in, along with this completed and signed Claim Form, a different amount or type of evidence to prove your claim.**

### **PAYMENT AWARDS**

**TIER 1(a).** If you are successful under Tier 1(a), you will receive:

- A cash award of up to \$50,000, depending on the number of successful claims;
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

**TIER 1(b).** If you are successful under Tier 1(b), you will receive:

- A cash award for proven actual damages (that is, for the losses you can prove) of up to \$250,000; and
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt.
- The USDA will not make any tax payment to the IRS on your behalf. You will have to pay the IRS yourself for any taxes due on your award.

**TIER 2.** If you are successful under Tier 2, you will receive:

- A \$50,000 cash award;
- Debt forgiveness from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

Go to EXHIBIT A – DESCRIPTION OF TIERS at the end of this document for a detailed description of the Tiers.

#### WHAT DOCUMENTS MUST I HAVE TO SEND WITH THIS FORM?

Each tier requires that you submit a different set of documents proving your claim. You also must sign and send in the Settlement Agreement included in the Claims Package.

#### Tier 1(a) Required Documents:

Did you submit a written farm loan or loan servicing application to USDA? If so, you must send in:

- This Claim Form and the Settlement Agreement.

Did you try to apply for a USDA loan or loan servicing, but did not submit a written application to USDA? If so, you must submit:

- This Claim Form and the Settlement Agreement; **AND**
- a sworn, verified, or notarized written witness statement from someone who witnessed USDA's discrimination against you;

**OR**

- a written complaint of discrimination that you or your representative filed with the USDA within one (1) year of when you tried to apply;

**OR**

- a letter or other document from a non-family member to you, or from you to a non-family member, that was written and dated within one year of when you tried to apply for a loan and that shows that you tried to apply for a farm loan or loan servicing; that you had a farm business plan which included specific crops, equipment, and the general location of the acreage; and that a USDA official actively discouraged you from applying for the farm loan or loan servicing.

### **Tier 1(b) Required Documents**

- This Claim Form and the Settlement Agreement; **AND**
- A copy of this farm loan or servicing application or other documents from USDA showing that you submitted the application; **AND**
- A copy of the discrimination complaint you sent to USDA or a copy of a document from USDA or another U.S. Government official showing that they received your discrimination complaint;

**AND**

- The name of a farmer who is similarly situated to you, except that person is non-Hispanic White (if you are Hispanic/Latino) or male (if you are female);

**AND**

- Documents showing any actual economic damages you suffered (that is, that you spent, lost or did not make money) because of USDA's treatment of your farm loan or loan servicing application.

### **Tier 2 Required Documents:**

- This Claim Form and the Settlement Agreement; **AND**
- A copy of the farm loan or servicing application or other documents from USDA showing that you submitted the application; **AND**
- A copy of the discrimination complaint you sent to USDA or a copy of a document from USDA or another U.S. Government official showing that they received your discrimination complaint.

PLEASE SELECT YOUR TIER. ONCE YOU SUBMIT THE CLAIM FORM, YOUR SELECTION IS FINAL AND CANNOT BE CHANGED. However, persons who select Tier 2 and are not eligible for an award under Tier 2 will automatically be considered for an award under Tier 1(a).

**I SELECT (Choose One):**

- TIER 1(a) **OR**
- TIER 1(b) **OR**
- TIER 2.

**PART 2: CLAIM INFORMATION**

**We need to know more about you and your farm to process your claim.**

**A. IDENTITY**

Are you Hispanic/ Latino?

YES      NO  
     

Are you female?

YES      NO  
     

**B. WHEN DID YOU OPERATE, OR TRY TO OPERATE, A FARM?**

If you are Hispanic/Latino or female, did you farm, or try to farm, between January 1, 1981, and December 31, 1996?

YES      NO  
     

If you are Hispanic/Latino, did you farm or try to farm between October 13, 1998, and October 13, 2000?

YES      NO



If you are female, did you farm or try to farm between October 19, 1998 and October 19, 2000?

YES      NO  
     

If you answered "Yes" to any part of question B above, please describe your farming operation or your effort to farm, including the type and amount of crops and/or livestock. (Attach additional pages if necessary):

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**C. WHEN AND WHERE DID YOU OWN OR RENT, OR TRY TO OWN OR RENT, FARM LAND?**

If you are Hispanic/Latino or female, did you own or rent, or try to own or rent, farm land between January 1, 1981, and December 31, 1996?

YES      NO  
     

If you are Hispanic/Latino, did you own or rent, or try to own or rent, farm land between October 13, 1998, and October 13, 2000?

YES      NO  
     

If you are female, did you own or rent, or try to own or rent, farm land between October 19, 1998, and October 19, 2000?

YES      NO  
     

Please check each box that applies:     Owned     Tried to Own  
   Rented     Tried to Rent

If you answered "Yes" to any part of Question C above, please describe in detail the farm land that you owned or rented or tried to own or rent, including the location (the full address, the crossroads, and/or the legal description), the type of land, and the acreage. (Attach additional pages if necessary).

If available, please provide any documentation showing that you owned or rented the farm

land such as a deed, a lease, an easement, a purchase agreement, equipment receipts, or other proof. (Attach additional pages if necessary).

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**If you answer NO to all of the questions in Parts A, B, or C above, you are not eligible for this claims process.**

**D. DID YOU COMPLETE AND SUBMIT A LOAN APPLICATION TO USDA?**

Did you complete and submit a written application to USDA for one or more farm loans or for farm loan servicing during any of the following time periods:

If you are Hispanic/Latino or female, between January 1, 1981, and December 31, 1996?

YES      NO  
     

If you are Hispanic/Latino, between October 13, 1998, and October 13, 2000? OR

YES      NO  
     

If you are female, between October 19, 1998, and October 19, 2000?

YES      NO  
     

If you answered "Yes" to any part of Question D, did you withdraw the application before USDA made a decision on the application?

YES      NO  
     

**TIER 1(b) and TIER 2 ONLY: IF YOU SEEK PAYMENT UNDER TIER 1(b) OR TIER 2, AND YOU ANSWERED "YES" TO ANY PART OF QUESTION D ABOVE, YOU MUST:**

- ATTACH A COPY OF THE FARM LOAN OR LOAN SERVICING APPLICATION OR OTHER DOCUMENTS FROM USDA SHOWING THAT YOU SUBMITTED THE APPLICATION;

**AND**

- YOU MUST ALSO ATTACH A SWORN STATEMENT, SIGNED UNDER THE PENALTY OF PERJURY, SWEARING THAT THE DOCUMENT IS AUTHENTIC, AND STATING WHEN YOU SUBMITTED IT TO USDA, OR WHEN YOU RECEIVED IT FROM USDA.

**ATTEMPTED APPLICATION - TIER 1(a) ONLY**

IF YOU SEEK PAYMENT UNDER TIER 1(a) AND YOU ANSWERED NO TO ALL PARTS OF QUESTION D, did you try to submit a written application to USDA for one or more farm loans or for farm loan servicing during any of the following time periods:

If you are Hispanic/Latino or female, between January 1, 1981, and December 31, 1996?

YES      NO  
     

If you are Hispanic/Latino, between October 13, 1998, and October 13, 2000? OR

YES      NO  
     

If you are female, between October 19, 1998, and October 19, 2000?

YES      NO  
     

For each time you tried to apply, please provide the following information:

The year(s) and month(s) you tried to apply;

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How you planned to use the funds (*i.e.*, identify crops, livestock, equipment, acreage, etc. that you would have farmed or purchased for your farm business);

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The location of the FSA or Farmers Home Administration ("FmHA") county office where you sought the loan(s);

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The name of any commercial or agricultural banks in the area that denied you a loan(s).

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When you tried to apply, did a USDA official state that:

(a) there were no funds available and no application would be provided;

YES      NO  
     

(b) there were no application forms available;

YES      NO  
     

(c) USDA was not accepting or processing applications; OR

YES      NO  
     

(d) you would not qualify for a loan or loan servicing and therefore should not apply?

YES      NO

If you answered “Yes” to any of the subparts (a) through (d) above, please describe in detail each incident, including when you asked for an application, and what USDA told you. (Attach additional pages if necessary):

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If you answered “Yes” to any of the subparts (a) through (d) above, you must attach one of the following documents:

- a sworn, verified, or notarized written witness statement from someone who witnessed USDA’s discrimination against you;

**OR**

- a written complaint of the alleged discrimination that you or your representative filed with the USDA within one (1) year of when you tried to apply;

**OR**

- a letter or other document from a non-family member to you, or from you to a non-family member, that was written and dated within one year of when you tried to apply for a loan and that shows that you tried to apply for a farm loan or loan servicing; that you had a farm business plan which included specific crops, livestock, equipment, and the general location of the acreage; and that the USDA official actively discouraged the application in the manner you describe above.

A complaint “filed with the USDA” includes a complaint sent to another person if you can show that the person who received the complaint forwarded it to USDA. The Claims Adjudicator will consider all available evidence, including statements made to you about forwarding the complaint to USDA and the way that government officials normally conduct business.

**E. IN WHAT CAPACITY DID YOU APPLY?**

If you applied or tried to apply for USDA farm loans or loan servicing, did you do so:

For yourself (individually)?

YES    NO  
   

As a sole proprietor?

YES    NO

On behalf of a corporation, business partnership, or other business entity?

YES NO

If so, please state the form of business \_\_\_\_\_ -

With a spouse or other person?

YES NO

If you applied with a spouse or any other person, please provide the following information:

CO-APPLICANT INFORMATION – FOR CLAIMANTS WHO APPLIED FOR USDA LOANS WITH ANY OTHER PERSON(S)  <i>If applicable, list each individual who was, or would have been, a co-applicant to the loan application that is the subject of this claim of unfavorable treatment.</i>		
First Co-Applicant's Name (First, Middle, Last) _____		____ - ____ - _____ Co-Applicant's Social Security/Taxpayer I.D. Number
First Co-Applicant's Mailing Address/City/State/Zip _____		
_____ First Co-Applicant's Phone Number	_____ Relationship to Claimant (if any)	____ / ____ / _____ Co-Applicant's Date of Birth

\_\_\_\_\_  
Second Co-Applicant's Name (First, Middle, Last)

\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_  
Co-Applicant's Social Security/Taxpayer I.D.

Number

\_\_\_\_\_  
Second Co-Applicant's Mailing Address/City/State/Zip

\_\_\_\_\_  
Co-Applicant's Phone Number

\_\_\_\_\_  
Relationship to Claimant (if any)

\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Co-Applicant's Date of Birth

*If you had more than two co-applicants, please provide the same categories of information for all other co-applicants on extra pages.*

If you applied with a spouse, you must also answer the following questions:

Were you and your spouse the only operators of the farm business?

YES    NO  
   

Did you (and not your spouse) do most of the work on the farm operation, including both the labor and management, as well as providing the operating funds?

YES    NO  
   

Were you (and not your spouse) the primary applicant for the farm loan or loan servicing?

YES    NO  
   

Did you list your spouse as a co-borrower on the application for a USDA farm loan or loan servicing?

YES    NO

Did both you and your spouse choose not to be treated as a partnership?

YES      NO  
     

**F. WHAT TYPE OF LOAN(S) OR LOAN SERVICING DID YOU SEEK FROM USDA?**

Identify the type of farm loan(s) and the approximate loan amounts that you requested or tried to request from USDA

Operating Loan (OL) \_\_\_\_\_  Farm Ownership Loan (FO) \_\_\_\_\_  
 Soil and Water (SW) \_\_\_\_\_  
 Emergency Loan (EM) \_\_\_\_\_  Economic Emergency (EE) \_\_\_\_\_

When did you apply or try to apply for the loan, and where was the USDA office located?  
(Attach additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify the type of loan servicing that you requested or tried to request from USDA

Consolidation \_\_\_\_\_  Restructuring  Rescheduling  Deferral of payments  
 Other (explain below)

When did you apply or try to apply for the loan servicing, and where was the USDA office located? (Attach additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**G. DID YOU MEET BASIC USDA LOAN ELIGIBILITY REQUIREMENTS?**

At the time you applied or tried to apply for a USDA farm loan:

Did you have prior experience owning a farm, running a farm, working on a farm, managing a farm business, or did you have farm training or education?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If you answered "YES" above, please describe your prior farm experience(s), training or education. (Attach additional pages if necessary).

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Were you: a citizen of the United States? or

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

a legal resident alien?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If you were not a U.S. citizen or a legal resident alien, please explain your immigration status when you applied or tried to apply for the loan.

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Were you over 18 years old?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Were you delinquent or late on any Federal debt?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Had you ever received debt forgiveness (write down or write off your loan) from USDA?

YES NO

If you received debt forgiveness, please list all instances when USDA provided loan forgiveness or writedowns of the loans, except when your debt was paid off by USDA to resolve a discrimination claim by you. (Attach additional pages if necessary).

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Had you ever been convicted of planting, cultivating, growing, producing, harvesting, or storing an illegal substance (for example, marijuana or another drug) under federal or state law?

YES NO

If you had been convicted of any such crime, please provide a brief explanation of what happened. (Attach additional pages if necessary).

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#### H. WHAT WAS THE RESULT OF THE LOAN OR LOAN SERVICING APPLICATION?

If you completed and submitted an application to USDA for one or more farm loans or for loan servicing, do any of the following apply?

Your application for a farm loan was denied.

YES NO

You were approved for a loan amount that was less than you requested or was approved late.

YES NO

The loan you were approved for had restrictive conditions.

YES NO

USDA failed to provide appropriate loan servicing on your existing USDA loan.

YES      NO  
     

If you answered "YES" to any subpart of Question H, please provide specific facts about USDA's response to the loan or loan servicing application. (Attach additional sheets if necessary.)

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**I. DO YOU BELIEVE THAT USDA DISCRIMINATED AGAINST YOU?**

Do you believe that USDA discriminated against you because you are Hispanic or Latino?

YES      NO  
     

Do you believe that USDA discriminated against you because you are female?

YES      NO  
     

If you seek payment under Tier 2, you must list specific facts showing that USDA's action was due to discrimination. Describe the reasons why you believe USDA discriminated against you, including anything USDA said or wrote to you or actions USDA took. (Attach additional pages if necessary).

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For Tier 1(b) claimants only. If you seek payment under Tier 1(b), do you believe that USDA treated a similarly situated non-Hispanic White farmer (if you are Hispanic), or a similarly situated male farmer (if you are female) better than you?

YES      NO  
     

If you seek payment under Tier 1(b), please

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(1) identify the similarly situated farmer(s);

(2) explain in detail how you were like that person with respect to your farm operation;  
and

**AND**

- (3) describe how USDA's treatment of your loan application was less favorable than the way USDA treated that farmer. You may meet this requirement with a signed statement based on personal knowledge from someone who is not your family member. (Attach additional pages if necessary.)

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**J. DID YOU SUFFER ECONOMIC DAMAGE?**

Did USDA's treatment of the loan or loan servicing application(s) or of the attempt to apply, cause you economic damage (that is, to spend, lose or not make money)?

YES      NO  
     

If you answered "YES" to Question J, please explain the type of economic damages that you suffered. (Attach additional sheets if necessary.)

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If you seek payment under Tier 1(b), please specify the amount of damages you suffered and the facts involved. Please also list below any documents supporting the amount of economic damages you believe you suffered. Also, attach the documents to your claim form. To meet the documentation requirement for Tier 1(b), you may provide the written testimony of an expert witness to help support your damages claim.

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**K. DID YOU FILE A DISCRIMINATION COMPLAINT WITH USDA?**

(1) If you seek payment under Tier 1(a) or Tier 2, did you file a written discrimination complaint about your loan or loan servicing application with USDA or with a U.S. Government official during the period January 1, 1981, through June 30, 1997 or during the periods October 13,

1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers) regarding USDA’s treatment of you in response to the application? This may include discrimination complaints that you filed yourself or that someone else filed for you.

YES      NO  
     

If you answered “YES,” state when you or your representative filed the complaint, which Government official or agency you filed it with, and the outcome (if any).

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IF YOU SEEK PAYMENT UNDER TIER 2 AND YOU ANSWERED “YES” TO QUESTION K, YOU MUST ATTACH A COPY OF THE COMPLAINT or of a document from USDA or another U.S. Government official showing that they received your discrimination complaint.

(2) IF YOU SEEK PAYMENT UNDER TIER 1(b), DID YOU COMPLAIN ABOUT DISCRIMINATION TO A U.S. GOVERNMENT OFFICIAL DURING THE PERIOD JANUARY 1, 1981, THROUGH JUNE 30, 1997 OR THE PERIODS OCTOBER 13, 1998 THROUGH OCTOBER 13, 2000 (HISPANIC FARMERS) OR OCTOBER 19, 1998 THROUGH OCTOBER 19, 2000 (FEMALE FARMERS), ABOUT YOUR LOAN OR LOAN SERVICING APPLICATION? If you answered “Yes” to this question,

- You must attach a copy of a written complaint that you sent to a U.S. Government official, or of a document from a U.S. Government official showing that they received your complaint.

**OR**

- you must attach a signed statement by someone who is not your family member who has personal knowledge about your discrimination complaint.

**L. HAVE YOU FILED A COMPLAINT IN COURT REGARDING USDA LOAN DISCRIMINATION?**

Have you filed a discrimination complaint against USDA in any court or tribunal regarding a loan application?

YES      NO  
     

If you answered “YES,” please provide the following information:

i. Date of your court or tribunal complaint \_\_\_\_\_

ii. Name of court or tribunal, and Docket Number \_\_\_\_\_

iii. Has your complaint been heard and decided, adjudicated, resolved or dismissed?

YES      NO  
     

If available, please attach copies of your court complaint, any dismissal of that complaint, and/or any final decision regarding your complaint.

**M. HAS YOUR SPOUSE, OTHER FAMILY MEMBER, OR OTHER PERSON ON YOUR BEHALF SUBMITTED A CLAIM IN ANOTHER USDA SETTLEMENT PROGRAM?**

Has your spouse or any other family member, or any other person acting for you filed a claim with USDA or in a court or tribunal, or filed a claim in a settlement seeking relief for discrimination, concerning the same loan or loan service you are complaining about in this claim form?

YES      NO  
     

If you answered "YES," please provide the case number, a copy of the claim if available, or any other information about that claim and any final decision on it. (Attach additional pages if necessary).

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**N. DO YOU HAVE FARM LOAN PROGRAM DEBT WITH USDA?**

Are you seeking forgiveness (write down or write off) of open USDA/FSA farm loan program debt?

YES      NO  
     

If so, please provide as much of the following information as possible regarding your open USDA/FSA Farm Loan Program debts: (Attach additional pages if necessary)

USDA/FSA Case Number	Loan Program or Loan Type (OL, FO, EM, EE, SW)	Loan Number	Year Loan Obtained	USDA/FSA County Office Where Loan Obtained	Outstanding Balance on Loan

If you have open accounts with USDA, you must complete the Authorization to Disclose Debt Information Form included in the Claims Package so that FSA has permission to provide the Claims Adjudicator with information about your loans.

**ADDITIONAL INFORMATION**

Please provide any additional information or documentation that you believe is necessary to prove your claims (attach additional sheets if necessary):

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**PART 3: ACKNOWLEDGEMENTS – INFORMATION YOU MUST UNDERSTAND AND AGREE TO**

<p><b>In order to participate in this claims process, you must agree to the following requirements. After you review each requirement, please indicate whether you agree by checking the box to the right of it.</b></p>	
<p>1. Your claim(s) will be processed by the Administrator and will be decided by the Adjudicator, and their decisions will be binding and final. You waive the right to seek review of these determinations in any court or before any tribunal.</p>	<p><input type="checkbox"/> Yes, I agree.</p>
<p>2. In order to participate in the claims process, you must give up all claims of lending discrimination against USDA that arose during the time period covered by the claims process. If you are claiming discrimination based on being Hispanic, that time period is between January 1, 1981, and December 31, 1996, or between October 13, 1998, and October 13, 2000. If you are claiming discrimination based on being a woman, that time period is between January 1, 1981, and December 31, 1996, or between October 19, 1998, and October 19, 2000. A settlement agreement giving up such claims is included in the claims package. You must also dismiss with prejudice any claims you have filed against USDA in any court or administrative proceeding alleging the same discrimination as alleged in this Claim Form. That means that you must give up your complaint and will not be able to file another case based on the same claim(s) in any court or before any tribunal.</p>	<p><input type="checkbox"/> Yes, I agree</p>
<p>3. If your claim is approved, you may receive a cash award of up to \$250,000., depending upon the Tier you choose. If you currently have debt with USDA/Farm Service Agency from the time period in question 2 (above), you may also be eligible for debt relief for part or all of that debt. Such relief may not cancel your remaining debts to USDA/FSA in full.</p>	<p><input type="checkbox"/> Yes, I agree.</p>
<p>4. If your claim is approved, an additional payment may be made on your behalf to the IRS to reduce the taxes you may owe on the cash award and any debt relief you receive, depending upon the Tier under which you seek to recover. This payment is not intended to completely pay off all taxes that you may owe as a result of a successful claim. It is your responsibility to pay any taxes that result from a successful claim.</p>	<p><input type="checkbox"/> Yes, I agree.</p>
<p>5. You must complete the claim form and provide all necessary documentation.</p>	<p><input type="checkbox"/> Yes, I agree.</p>







Are you the Claimant's Legal Representative?

Yes

No

If you are the Claimant's representative, you must submit the Court Order appointing you as the claimant's legal representative or executor of the will, power of attorney documents, or other proof of guardianship.

If you are submitting claim on behalf of a dead claimant, you must submit a copy of the death certificate and answer the following questions:

Is the Claimant's death certificate included with this Claim Form?

Yes

No

If an estate exists for the Claimant, please provide the Estate Taxpayer ID Number:

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**DECLARATION**

**CLAIMANT'S DECLARATION**

**Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the information contained in the foregoing claim form is true and correct, and that any documents submitted along with the claim form are true and accurate copies of such documents.**

\_\_\_\_\_

Signature of Claimant/Submitter

\_\_\_\_\_

Date

If the claim is filed by an attorney on behalf of a claimant:

To the best of the attorney's knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law, and the factual contentions have evidentiary support.

Signed under penalty of perjury.

\_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Date

\_\_\_\_\_

Firm Name (if applicable)

\_\_\_\_\_

Mailing Address

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

## Exhibit A - Detailed Tier Descriptions

**TIER 1(a).** To be eligible for payment under Tier 1(a), you must establish the elements in Section VIII.B. of the Framework by substantial evidence. If you establish the elements for Tier 1(a), you will receive:

- A cash award of up to \$50,000, depending on the number of successful claims;
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

The dollar amount of Tier 1(a) cash awards will be the same for each successful claimant, and will be determined after all Tier 1(a) claims have been adjudicated. The dollar amount for each award is subject to reduction from \$50,000 depending on the total number of successful claims under Tier 1(a). No payments will be made under Tier 1(a) until all Tier 1(a) claims have been decided. Tier 1(a) is the only Tier under which claimants who sought to apply for a USDA loan but were actively discouraged from submitting an application may be eligible for payment.

**TIER 1(b).** To be eligible for payment under Tier 1(b), you must establish the elements in Section VIII.C. of the Framework by a preponderance of the evidence and (except as provided below) through independent documentary evidence admissible under the Federal Rules of Evidence. You must also: 1) provide a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application; 2) establish that you complained of discrimination to an official of the United States Government prior to July 1, 1997 or between OCTOBER 13, 1998 THROUGH OCTOBER 13, 2000 (HISPANIC FARMERS) OR OCTOBER 19, 1998 THROUGH OCTOBER 19, 2000 (FEMALE FARMERS); 3) establish that the treatment of your application for a loan or loan servicing was less favorable than that accorded a specifically identified, similarly situated non-Hispanic Caucasian farmer (if you are Hispanic) or male farmer (if you are female); and 4) establish that USDA's treatment of the loan or loan servicing application cause you economic damage. You may submit expert testimony to explain the independent documentary evidence showing your economic damage. Items 2 and 3 may be established by a preponderance of the evidence with a sworn statement based on personal knowledge by an individual who is not a member of your family. Your loan application and supporting documents forming the basis of your claim are deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that these documents were submitted to USDA contemporaneously with the date of the complete application. USDA documents that were provided to you in response to your loan application are also deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that you received these USDA documents in response to your loan application contemporaneously with the date of the response. If you establish the elements for Tier 1(b), you will receive:

- A cash award of up to \$250,000 for proven actual damages; and

- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt.
- No tax payment will be made.

Total payments under Tier 1(b) are subject to a \$100 million cap, and awards may be reduced from \$250,000 on a pro-rata basis depending on the number of successful claimants and the total dollar amounts of their actual damages.

**TIER 2.** To be eligible for payment under Tier 2, you must establish the elements in Section VIII.A. of the Framework by substantial evidence, and also provide: 1) a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application; 2) a copy of a discrimination complaint that was filed with USDA or a U.S. Government official by July 1, 1997 or **between OCTOBER 13, 1998 THROUGH OCTOBER 13, 2000 (HISPANIC FARMERS) OR OCTOBER 19, 1998 THROUGH OCTOBER 19, 2000 (FEMALE FARMERS)**; or a document or correspondence from a U.S. Government agency acknowledging receipt (or otherwise reflecting the filing) of such complaint; and 3) specific facts showing that the USDA action was due to discrimination. If you meet the elements for Tier 2, you will receive:

A \$50,000 cash award;

Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt;  
and

A tax payment to the IRS of 25% of the total of the cash award and debt relief.

## EXHIBIT B - APPLICATION CHECKLIST

### Proof of Identity

- Photocopies of Two forms of Identification

### For Persons Submitting A Claim On Behalf Of Another Person

- Proof of Legal Representation  
 Death Certificate, if applicable

### Settlement Agreement

- Settlement Agreement/ Waiver  
 Stipulation of Dismissal with Prejudice for any claims pending in any court or tribunal

### Tier Election:

- I selected either Tier 1(a), Tier 1(b), or Tier 2  
 I did not select more than one

### Claim Information

- Documentation of farm land ownership interest, if available  
 Copy of the Loan Application or a USDA document that shows that you applied , if available, and a sworn statement authenticating such document (required for Tier 1(b) and Tier 2 only)  
 Copy of the discrimination complaint filed with USDA or a U.S. Government official, or a document reflecting the filing of such complaint, if available, and a sworn statement authenticating such document (see Part IV, question K for specific requirements)  
 Copies of the Court Complaint, Dismissal, and/or Decision, if available  
 Documentation of prior claims against USDA, if applicable  
 Authorization to Disclose Debt Form, if Debt Relief is requested

### Attempted Application (Tier 1(a) Only)

- A Sworn, Verified, or notarized witness statement, **OR**  
 A Contemporaneous Written Discrimination Complaint to USDA, **OR**  
 A document from a non-family member to you, or from you to a non-family member that supports your contentions.

**EXHIBIT C – AUTHORIZATION TO DISCLOSE DEBT INFORMATION**