

## Summary Notice To The Class

The law firms of Esler Stephens & Buckley and Cohen Milstein Sellers & Toll PLLC announce that the United States District Court for the District of Oregon has preliminarily approved proposed Settlements in class action lawsuits brought on behalf of a "Plaintiff Class" that includes: (a) all individuals and entities that purchased investments in the Sunwest Enterprise on or after January 1, 2002, and (b) the Receiver as assignee of the claims or interests of any such individuals or entities. The "Sunwest Enterprise" included Sunwest Management, Inc., Canyon Creek Development, Inc., Canyon Crest Financial, LLC, and numerous other affiliated, single-purpose entities that were created by entities owned or controlled by Sunwest Management, Inc., Jon M. Harder, and/or Darryl E. Fisher for the purpose of owning and operating senior living facilities and other real estate developments. The securities were in the form of investor, noncommercial notes, tenancy-in-common ("TIC") interests, membership interests, preferred membership interests, or limited partnership interests in one or more properties or entities managed by or affiliated with Sunwest Management, Inc.

If given final approval by the Court, the Settlements will resolve two class action lawsuits filed in 2010, and other lawsuits, that allege that the law firms of Davis Wright Tremaine LLP, K&L Gates LLP, and Thompson & Knight LLP ("the Defendant Law Firms") are liable under Oregon securities laws. The Defendant Law Firms deny the allegations and the Court has not ruled on whether or not the allegations made on behalf of the Plaintiff Class are correct.

The Settlements, which will only go into effect if given final approval by the Court, require that the Defendant Law Firms pay a total of \$52.5 million into the Litigation Trust established in connection with the Receivership Distribution Plan in *SEC v. Sunwest Management, Inc., et al.*, Case No. 09-CV-6056-HO (D. Oregon). The Receiver is also a plaintiff in one of the class action lawsuits and holds assigned claims that are part of the Settlement Class. The Settlements provide that the Receiver may request that no more than \$5 million of this fund be provided to the Receivership to resolve its claims against the Defendant Law Firms. Each of the Defendant Law Firms may withhold funds to resolve claims brought by persons who opt out of the Settlements. The withheld funds cannot exceed \$3 million for each Defendant Law Firm, and any settlement of such claims must be approved by the Court.

After deduction of attorneys' fees and costs in an amount determined by the Court to be reasonable, the remaining funds will be distributed to the Plaintiff Class members who have suffered losses as a result of their investment in Sunwest and have not already released their claims against the Defendant Law Firms. The amounts will be paid in accordance with the Distribution Plan. **If approved, the Settlements will affect the legal rights of all persons in the Plaintiff Class.**

Any person or entity who thinks they may be a member of the class should obtain a copy of the court-approved notice that is being distributed to the class. A copy of the notice can be obtained at <http://www.grassmueckgroup.com/sunwest.php> or by calling the settlement claims administrator at 866-674-6791. Among other things, the notice explains how class members can tell the Court if they have any objections to the terms of the Settlement Agreements, distribution and use of the settlement funds, or to fee applications filed by class counsel.

A hearing to consider, among other matters, final approval of the Settlements, is scheduled for February 4, 2011. The deadlines to object to the Settlements or any part of them and to exclude oneself from the Settlements are also set forth in the court-approved notice.