

Lake Manitoba

2011 Flood Class Action Settlement

PROPERTY DEVALUATION FAQs:

Frequently asked questions and answers are for general information only with any final assessment of Claimant Eligibility or Claim amounts based only on the court-approved Claims Administration Procedure.

Question	Answer
1. Can I claim for both property damage and the devaluation of my property?	Yes. You can claim for property damage costs <u>and / or</u> the devaluation of your property. This means that you may get compensated for both: 1. Any damage to property as outlined in the other sections <u>and / or</u> 2. If subsequent to the 2011 Flood, your property devalued in its Sale / Fair Market Value between May 1, 2011, and December 31, 2013.
2. What if I still own the property? Can I get compensation for its devaluation?	Yes. You can claim for your property's devaluation between May 1, 2011, to December 31, 2013, by providing property appraisals for each date.
3. What if I have sold the property subsequent to the Flood? Can I still file a claim for my property's devaluation?	Yes. If you sold your property in an Arms-Length transaction before December 31, 2013, the sales documents will serve as evidence of the value of the land at the date of sale. If you sold your property <u>after</u> December 31, 2013, the sales documents will <u>not</u> serve as evidence of the property's value as of

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	December 31, 2013. Therefore, you will be required to provide a property appraisal as at December 31, 2013.
4. What if I sold my property <u>before</u> May 1, 2011? Can I still claim its devaluation?	No. You are not eligible to make a devaluation claim.
5. Can I use property appraisals of nearby properties?	No. The appraisal you use must be for your property only.
6. What kind of evidence do I need to determine my property's devaluation?	<p>For purposes of the devaluation claims, you may use either an <u>independent</u> property appraisals of your own property or your Municipal Property Tax Assessed Value.</p> <p>However, when the Claims Administrator is comparing two property valuation dates, the same property appraisal document type must be used for both dates.</p> <p>The Arms-Length sales documents are the evidence if you sold your property prior to December 31, 2013.</p>

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7. How do I get an <u>independent</u> property appraisals for 2011 and 2013?	Some independent appraisers can retroactively determine a property's FMV.
8. What if my property subsequently increased or lost its value after December 31, 2013?	The court-approved Claims Administration Procedure limits the property devaluation to its appraised value as at December 31, 2013.
9. What if my property increased in value because of all the repairs I made to the damage? If I hadn't made those repairs, the property would have been devalued.	<p>The court-approved Claims Administration Procedure allows for property <u>devaluation</u> to be based <u>only</u> on your property's appraised December 31, 2013, value.</p> <p>If you had completed repairs that increased the value of the property, there is no criteria in the Claims Administration Procedure for a devalued value based on as if you had not performed the repairs.</p>

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<p>10. Can I claim the costs of <u>independent</u> property appraisals of my property?</p>	<p>Yes. 50% of the independent property appraisals (reasonable cost) can be submitted as part of the Claimants' claim.</p> <p>The reasonable cost of the independent property appraisals will be determined by the Claims Administrator based on the costs of other independent property appraisals submitted by other Claimants and the Claims Administrator's knowledge and experience of the costs of independent property appraisals.</p>
<p>11. Part of my submission to the Original Government Financial Assistance Program included an independent property appraisal of my property as at May 1, 2011. Can I use that independent property appraisal filed with MASC?</p>	<p>Yes. If you submitted a claim with the Original Government Financial Assistance Program, then when you submit your Claimant Registration Form, the Claims Administrator can receive your independent property appraisal from MASC if it remains available.</p> <p>Since the court-approved Claims Administration Procedure now includes the property devaluation criteria, you will still have to submit a property appraisal as at December 31, 2013, or its Arm-Length sale documents if sold before December 31, 2013.</p>

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12. What happens if I sold or transferred ownership to one of my relatives? Can I still make a claim for the property's devaluation?	<p>Yes. If your property has been sold or transferred in a NON-arms-length transaction, any devaluation will be calculated as the difference between:</p> <p style="padding-left: 40px;">May 1, 2011, appraised value of the property and</p> <p style="padding-left: 40px;">December 31, 2013, appraised value of the property (if lower).</p>
13. What happens if I sold or transferred ownership to one of my relatives? Who makes the claim? The Seller or Purchaser?	Whoever owned the property as at May 1, 2011 is the only person who can make the property devaluation claim.
14. What is a Non-Arms-Length transaction?	<p>A Non-Arms-Length transaction is a transaction that takes place between two related parties. An example would be a parent selling their home to their child.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guidelines definition of a Non-Arms-Length transaction.</p>

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15. What is an Arms-Length transaction?	<p>An Arm's Length transaction is a transaction, which takes place between two parties that are independent of each other. The parties come together independently for the purpose of a transaction. In this case buying or selling of the property by two parties that are not related.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guidelines definition of an Arms-Length transaction.</p>
16. How do I prove the Purchaser of my property is Arms-Length or Non-Arms-Length?	<p>The Claims Administrator will require you to disclose that the Purchaser(s) of the property was or was not related to the Claimant.</p> <p>Further, if requested by the Claims Administration, you will be required to provide an affidavit that the Purchaser(s) of the property was an Arm-Length or Non-Arms-Length individual.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guidelines definition of a Non-Arms-Length transaction.</p>