

AMENDMENT TO JOINT STIPULATION AND SETTLEMENT AGREEMENT

This Amendment to the Joint Stipulation and Settlement Agreement (“Settlement Agreement”) is entered into this 29th day of December, 2016, by and between Defendant USAA Life Insurance Company and Plaintiff Moses Erkins, in his individual and representative capacities, all of the foregoing parties acting by and through their respective counsel. The purpose of this Amendment is to conform the Settlement Agreement to the Order Preliminarily Approving Proposed Settlement, Certifying Conditional Settlement Class, Appointing Settlement Class Counsel and Class Representative, Approving and Directing Notice Plan, Appointing Settlement Administrator and Scheduling Final Approval Hearing (“Preliminary Approval Order”) entered by the Circuit Court of Barbour County, Alabama on December 21, 2016.

Paragraph 13(f) shall be amended as follows:

“Claim Deadline” means ~~February 24~~ April 18, 2017. The Claim Deadline is the date by which the completed Claim Form of any Settlement Class Member, along with all required accompanying documents, must be mailed to the Settlement Administrator, in the manner provided below and to the address given in the Settlement Notice, in order for that Settlement Class Member to be entitled to receive Settlement Relief (if any Settlement Relief is in fact due).

Paragraph 19(a) shall be amended as follows:

Settlement Class Members who wish to exclude themselves from the Settlement Class must submit timely, written requests for exclusion. To be effective, such a request must include the Settlement Class Member’s name and address, a clear and unequivocal statement that the Settlement Class Member wishes to be excluded from the Settlement Class, and the signature of the Settlement Class Member or the Authorized Representative of the Settlement Class Member. The request must be mailed to the Settlement Administrator at the address provided in the Mailed Notice and must be postmarked ~~at least 15 days before the initial scheduled date for the Final Approval Hearing~~ by March 3, 2017. Requests for exclusion must be exercised individually by the Settlement Class Member or his or her Authorized Representative, not as or on behalf of a group, class, or subclass.

Paragraph 20(a) shall be amended as follows:

Any objection must be filed with the Court, with a copy delivered to Class Counsel and Defense Counsel at the addresses set out in the Notice, ~~at least 15 days prior to the Final Approval Hearing~~ by March 3, 2017. Settlement Class Members may object either on their own or through an attorney hired at their own expense.

Paragraph 20(b) shall be amended as follows:

If a Settlement Class Member hires an attorney to represent him or her at the Final Approval Hearing, he or she must do so at his or her own expense and the attorney must file a written notice of appearance with the Clerk of Court ~~at least 15 days prior to the Final Approval Hearing~~ by March 3, 2017, identifying by name and current address the Settlement Class Member on whose behalf he or she will appear. No Settlement Class Member represented by an attorney

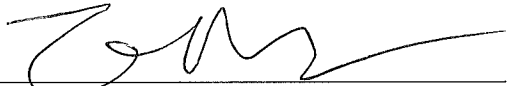
shall be deemed to have objected to the Stipulation unless an objection signed by the Settlement Class Member is also filed and served as provided above ~~at least 15 days prior to the Final Approval Hearing~~ by March 3, 2017. Attorneys intending to participate in the Final Approval Hearing or argue on behalf of objecting Settlement Class Members must file a written notice of intention to appear.

Paragraph 20(f) shall be amended as follows:

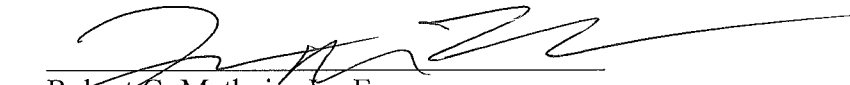
No Settlement Class Member shall be heard, no papers, briefs, or pleadings submitted by any Settlement Class Member shall be considered by the Court, and no testimony of witnesses offered by the Settlement Class Member shall be allowed at the Final Approval Hearing unless the Court, Robert G. Methvin, Jr. (as counsel for Plaintiff), and Thomas J. Butler (as counsel for Defendant) receive the Settlement Class Member's written and signed objection ~~at least 15 days prior to the Final Approval Hearing~~ by March 3, 2017. Settlement Class Members who fail to submit objections in strict compliance with the foregoing procedures and by the established deadline shall be deemed to have waived all objections, shall be deemed to have consented to the exercise of jurisdiction by the Court over all aspects of this Stipulation, and shall be forever barred from objecting to the Stipulation, the Settlement Notice and the means of distributing it, or any other aspect of the settlement, either in this Action or in any other proceeding.

IN WITNESS WHEREOF, the Parties have caused this Stipulation to be executed by their duly authorized attorneys or representatives as of the date below.

Dated this 29th day of December, 2016

By: 

Michael D. Mulvaney, Esq.
Thomas J. Butler, Esq.
Counsel for Defendant USAA Life Insurance Company

By: 

Robert G. Methvin, Jr., Esq.
James M. Terrell, Esq.
McCallum, Methvin & Terrell, P.C.
Counsel for Plaintiff and the Settlement Class