



**THE BUTTERFLY ESTATES, L.L.C.
PRIVACY POLICY
(EFFECTIVE AS OF August 1, 2008)**

PLEASE READ CAREFULLY

This is the privacy policy ("Privacy Policy"), effective as of August 1, 2006, for the <http://www.thebutterflyestates.com> Web site (the "Site") made available by The Butterfly Estates, L.L.C. Media, Inc., the legal owner of the Site ("we", "us" or "our"). This Privacy Policy sets forth our policies regarding the collection, use and disclosure of certain information relating to your use of the Site and service (the "Service"). Your use of this Site signifies your understanding and acceptance of the terms of this Privacy Policy.

This Privacy Policy is incorporated into, and part of, the Terms and Conditions <http://www.thebutterflyestates.com/legal>, which govern your use of the Site in general.

We recognize the importance of protecting your privacy and our Privacy Policy is designed to assist you in understanding how we collect, use and safeguard the personal information you provide to us, and to assist you in making informed decisions when using the Site. This Privacy Policy will be continuously assessed against new technologies, business practices and our customers' needs. As we update and diversify our services, this Privacy Policy may evolve. Please check this page for updates periodically. We will try to post any changes to this Privacy Policy before they become effective. If we make any material changes to this Privacy Policy, we will notify you here, by email or by means of a notice on our Site's home page that you must view to access the Service.

Please note: By using or registering with our Site or by providing personal information, you agree to abide by these terms.

If you have questions or concerns regarding this Privacy Policy or wish to exclude your personal information from our direct marketing purposes, please feel free to contact us at privacy@thebutterflyestates.com or by writing to us at Attn: Privacy Officer, The Butterfly Estates, L.L.C. 1815 Fowler Street, Fort Myers, FL 33901.

The types of information we collect

We have several areas where you can submit information to us, and we also have features that automatically collect information from the users of our Service and visitors to our Site.

Information voluntarily provided by you

Registration: With the exception of our Site's demonstration mode, you must register with us to use our shopping version of the Service or the image contest version of the Service. We may also offer options for you to sign up for our newsletters without having to subscribe to our Service. During registration to our Service, you must provide your email address, year of birth, and zip code and you must supply a password to us. It is your responsibility to keep your password strictly confidential. You have the option of identifying your gender. In addition, in order to subscribe to our Service, you must provide your name and a valid credit card number, along with your credit card's security code and expiration date as well as the zip code to which your credit card statement is sent to you.

Communications from The Butterfly Estates and our newsletters: In order to keep our registered users and subscribers informed about our Service's latest developments and features, we may send e-mails and announcements to your personal email address that you provided to us while registering on our Site. If you elected to opt in to our email list, we may also send promotional emails to you. You are always free to change your email preferences by following the instructions provided in the "Edit Your Account Info" section of the Site. In the event we send you a promotional e-mail, each such email will include instructions detailing how you may unsubscribe from our mailing list.

Contacting Us: You are always encouraged to contact us with a question or problem related to your use of the Site or our Service. Our standard business practice is to retain any communications from our registered Service users, subscribers and Site visitors to help us to serve each of you better.

Sharing: We also offer Site-wide community features designed to help other registered users and subscribers find products they like or may be interested in, by making available a registered user's or subscriber's favorite items either in an anonymous form or to registered users or subscribers who know your email address and specifically request your favorite items list by entering your email address in the applicable field on our Site. Registered users and subscribers may also access features such as message boards that allow other registered users and subscribers to communicate with each other. Any information that you send or post via our Site's community features will be considered public information and we cannot be held responsible for any information you choose to make public. We may, but are not obligated to, monitor our Site's community features through computer software or human personnel to check for obscenity, defamation or other types of abusive language, or for content that may infringe our rights or the rights of others, all of which we may remove at any time.

Personal Pages: Each registered user or subscriber may have the opportunity to post pictures or other information on personal pages. These personal pages may be made available to other registered users and subscribers as part of the Service. The information you post to such personal pages, therefore, may be viewed by visitors to such pages. Your personal page will be identified to others by the local-part of the email address you provide to us (i.e., the part of your email address before the "@" sign) either alone or in combination with additional numbers or letters. Thus, to the extent your email address includes personal information (such as your full name), this information may be displayed to other registered users and subscribers. In addition, to the extent that you post other personal information on your personal page, this information may also be viewed by other registered users and subscribers.

Third-party information provided to us

Partners: We may receive information about you from third parties. For example, we currently have contractual relationships with other Web sites, retailers, original equipment manufacturers, software suppliers and product or service providers through which we provide access to registration for our Site, among others (collectively, our "Partners"). Depending on the particular promotion, a Partner may provide us with a user/member name that you already use in connection with that Partner's products or services or that you or it have otherwise pre-selected as part of the promotion.

Links: When using our Site or Service, you may click through certain links or promotions that will enable you to purchase products or use services provided by our Partners. Some of these Partners may share certain information that you provide to them with us. By clicking on and through to a link or promotion on our Site, you agree to allow us to receive and use any information (except for credit card information) that you may provide to our Partners, under the same terms and conditions as if you provided your information directly to us. We are not, however, responsible for any other Web sites, or their respective privacy policies or how they treat information about their members. We strongly advise you to check their privacy policies to find out how they are treating your personal information.

Third Party Usage: You may also separately share your information with other Web sites or entities, such as those that create professional marketing lists, to receive special offers and promotions from their affiliates. These Web sites or entities may agree to share your information with us. Whether or not any third party actually shares your information with us and to what extent they do share your information with us will depend on their agreement with us and their respective privacy policies. The Butterfly Estates, L.L.C. is not responsible for, and will assume no liability, if a Partner or other Web site or entity collects, uses or shares, any information about you in violation of its own privacy policy, or applicable law.

Marketing Data: We may purchase marketing data from third parties and add it to our existing user database to better target our advertising and to provide pertinent offers in which we think you would be interested. We may also associate this marketing data to the personally identifiable information they have provided to us.

Automatic Data Collection

Copyright Tracking: In an effort to optimize our Site, Service and user experience, we may, from time to time, provide automatic updates, fixes or support, as we deem appropriate. The Butterfly Estates, L.L.C. uses software that is designed to protect the copyrights associated with the products, sounds and images that you may come into contact with while viewing our Site. In order to make sure that artists and copyright owners receive applicable royalties, this software identifies and counts the content you have accessed. At the aggregate level (i.e., not tied to the personal information of any user), we use this data to report and pay royalties, for internal analysis and we share this data with certain Partners for their own analysis. We do not share your personal usage data with any third parties. We may use your personal usage data for a variety of Service-related purposes including, without limitation, for displaying advertising to users of the free ad-supported version of the Service.

Partner Access: When you access the Service through a Partner, we may add select aspects of your registration information (such as your email address and, if applicable, the Partner or promotion through which you registered) to the registry settings on your computer's hard drive, so that we can recognize which of our Partners or other sign-in pages to send to you when you log on to the Service.

Cookies: We use what are commonly called cookies when you use our Service. We use these cookies to identify you as a valid registered user or subscriber so that we can deliver music to you, to ensure that no one else can sign on simultaneously with your account from another computer and to help us serve you better based on your registration preferences (such as your preferences with regard to what types of content you would like to receive). We may also use cookies to help us facilitate any promotions or surveys that we provide as well as the delivery of advertising to users of the free version of the Service. In addition, we may also use cookies in connection with a sign-in feature that allows you to save your email address and password each subsequent time you sign in and to track your use of free trial features.

Performance tracking: We sometimes use cookies, as well as tracking technology, such as web beacons, within the promotional emails that we send to our registered user and subscribers or advertisements for our Site. These performance tracking devices help us to track whether an e-mail recipient has completed an event, such as signing up for a free trial for example. Such information is non-personally identifying and collected on an aggregate level. We sometimes utilize third-party service providers to help us track the activity within our Site. These third parties may use temporary cookies and/or web beaconing technology to facilitate such tracking, but the data would not be tracked in a personally identifiable way. Third parties whose products or services are accessible or advertised on our Site may also use cookies, and we advise you to check their privacy policies for information about their cookies and other privacy practices.

Other types of information collected: In order to better improve our Service, we capture other data such as a registered user's or subscriber's search criteria and results, date, time, connection speed and the IP address of each registered Service user, subscriber and Site visitor. We keep this information for our internal security audit log, aggregate trend analysis, and system administration.

Vendors: We will share your personal information with companies acting as our agents in providing our service (e.g., credit card processing, customer/support services) to you, all of whom agree to use it only for such specified purposes. Each vendor must also agree to keep your personal information reasonably secure and confidential in accordance with applicable laws.

Legally affiliated entities: In the event that The Butterfly Estates, L.L.C. is merged, or in the event of a transfer of our assets, Site or operations, The Butterfly Estates, L.L.C. may disclose or transfer your personal information in connection with such transaction. In the event of such a transfer, THE BUTTERFLY ESTATES, L.L.C. will notify you via email or by posting a prominent notice on our Site for 30 days of any such change in ownership of THE BUTTERFLY ESTATES, L.L.C. resulting in a change of control of your personal information.

Legally compelled disclosure: We will also disclose your personal information when required to do so by law, for example, in response to a court order or a subpoena or other legal obligation, in response to a law enforcement agency's request, or in special cases when we have reason to believe that disclosing your personal information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (whether intentionally or unintentionally) our rights or property.

Bankruptcy: You should also be aware that courts of equity, such as U.S. Bankruptcy Courts, may have the authority under certain circumstances to permit your personal information to be shared or transferred to third parties without your permission.

Consent to processing: By providing any personal information to us, you fully understand and unambiguously consent to the transfer of such personal information to, and the collection and processing of such personal information in, the United States and other countries or territories. Your personal information will be stored and processed on our computers in the United States. The laws on holding personal information in the United States may vary and be less stringent than laws of your state or country. We will hold and transmit your personal information in a safe, confidential and secure environment. If you object to your personal information being transferred or used in this manner please do not register with or use the Site or our Service.

Security

THE BUTTERFLY ESTATES, L.L.C. endeavors to protect the security of your personal information and your choices for its intended use. We use secure SSL technology to protect the transmission of sensitive personal information such as your credit card number. We store your personal information on a secure server, and use procedures designed to protect the personal information we collect from loss, misuse, unauthorized access or disclosure, alteration or destruction.

Although we will take (and require our third-party providers to take) commercially reasonable security precautions regarding your personal information collected from and stored on the Site, due to the open nature of the Internet, we cannot guarantee that any of your personal information stored on our servers, or transmitted to or from a user, will be free from unauthorized access, and we disclaim any liability for any theft or loss of, unauthorized access or damage to, or interception of any data or communications. By using the Site, you acknowledge that you understand and agree to assume these risks.

Email is not recognized as a secure medium of communication. For this reason, we request that you do not send any personal information to us by email. However, doing so is allowed, but at your own risk. We follow commercially

reasonable security precautions to protect the personal information submitted to us, both during the transmission and once we receive it.

Modification of your choices and preferences

You may modify your registration information at any time by following the instructions provided in the "Edit Your Account Info" area of our Site. In addition, you may call us at 1-239-690-2359 and we may record your call for quality assurance and improving customer service purposes. Any promotional e-mail from THE BUTTERFLY ESTATES, L.L.C. will come with instructions for unsubscribing from THE BUTTERFLY ESTATES, L.L.C.'s email mailing list. Registered users and Subscribers may also contact one of our customer service representatives by email at [The Butterfly Estates, L.L.C. - support@thebutterflyestates.com](mailto:TheButterflyEstates.L.L.C.-support@thebutterflyestates.com) and we will strive to respond to you within a maximum of 72 hours from our receipt.

Opt-out right:

If you have elected to receive newsletters or promotional or marketing correspondence from us previously and later decide that you no longer wish to receive such correspondence from us in the future, you may opt-out from further receipt by sending an email to mailto:opt-out@thebutterflyestates.com or by following the opt-out instructions provided in such correspondence. (If you use more than one email address, then send your opt-out email from each of your email addresses.) Your election not to receive newsletters or promotional and marketing correspondence from us will not: (a) preclude us from corresponding with you, by email or otherwise, regarding your existing or past relationship with us, and (b) preclude us, including our employees, contractors, agents and other representatives, from accessing and viewing your personal information in the course of maintaining and improving the Site.

You're Acceptance of this Privacy Policy:

By using this Site, you signify your acceptance of our Privacy Policy. If you do not agree to this Privacy Policy, please do not use our Site. We reserve the right, at our discretion, to change, modify, add, or remove portions from this Privacy Policy at any time so visitors are encouraged to review this Privacy Policy from time to time. Your continued use of our Site following the posting of changes to these terms means you accept these changes.

Contact us:

If you have any questions about this Privacy Policy, or the privacy practices of THE BUTTERFLY ESTATES, L.L.C., you can email us at mailto:privacy-policy@thebutterflyestates.com or by writing to us at Attn: Privacy Officer, The Butterfly Estates, L.L.C. 1815 Fowler Street, Fort Myers, FL 33901.

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