

PETITION FORM IND
Claim filed by Indirect Investors

MADOFF VICTIM FUND
Distribution Vehicle for Forfeited Assets
on behalf of the



UNITED STATES DEPARTMENT OF JUSTICE

All submissions to the Madoff Victim Fund will be considered in support of a claim only if they are verified under the penalty of perjury pursuant to 28 U.S.C. § 1746.

INSTRUCTIONS

Petition Form IND is for use of investors filing a claim with the Madoff Victim Fund (“MVF”) who invested with Madoff Securities through an intermediate investment entity, rather than a direct account.

Please review the Frequently Asked Questions section at www.madoffvictimfund.com for further information regarding claim eligibility and the claims process.

Generally the claims of indirect investors eligible to use this Form IND were denied in the Madoff bankruptcy proceedings, as the claimants did not have a direct account with Madoff Securities. If you are an individual whose claim in the bankruptcy proceedings was allowed, you should file with the MVF on Form DIR.

An Indirect Investor is someone who invested their money in Madoff Securities through a family trust, an investment partnership, investment company, bank managed account, hedge fund, “feeder fund” or any other intermediary. Claimants utilizing this Form IND must be able to document an investment in Madoff Securities through one or more other investment vehicles, and show that they suffered a net loss based on a “cash in, cash out” analysis.

The United States Department of Justice (“DOJ”) will determine all questions of eligibility to make a claim on MVF in its sole discretion.

Making an Individual Claim

If you are an individual and you lost funds you invested in Madoff Securities through a partnership, family trust, bank investment fund or other pooled vehicle, you are eligible to file a claim with MVF even though you did not receive any payment from SIPC and your claim was rejected in the Madoff Securities bankruptcy proceedings. ALL investors who lost funds in the collapse of Madoff Securities may be eligible for a payment of remission from the MVF, and you are entitled to file a claim on your own behalf irrespective of any other entity through which you may have invested. We encourage all indirect investors victimized in the Madoff fraud to file a claim on this Form IND for your monetary losses rather than relying on any other person or entity to file a claim on your behalf.

Where the investor files a claim using this Form IND, your individual claim will take priority over any claim made on your behalf by a pooled investment vehicle or its administrator. Where two or more claims are filed, MVF will consolidate claims information. HOWEVER, TO BE SAFE YOU SHOULD FILE ON YOUR OWN BEHALF. IF YOU ELECT TO RELY ON SOMEONE ELSE TO FILE A CLAIM ON YOUR BEHALF AND THEY DO NOT DO SO FOR ANY REASON, YOU MAY LOSE YOUR OPPORTUNITY FOR A RECOVERY.

Victim Status

To qualify for a recovery from the MVF a claimant must have been a “victim” of the crimes that took place involving Bernard Madoff or Madoff Securities. A victim must have suffered a monetary loss on an investment made with Madoff Securities on or before December 11, 2008. Such a qualifying investment can have been made as a direct account holder, or indirectly through another person or entity. However, no person or entity will be an eligible victim if it did not actually lose its own money in the fraud at Madoff Securities.

Investments Through Multiple Pooled Vehicles. One characteristic of the fraud at Madoff Securities was the use of multiple tiers of investment partnerships or conduits to gather assets and funnel them to Madoff Securities. A victim of the Madoff fraud may file with MVF no matter how many layers of investment vehicles were between the investor and Madoff Securities, so long as the net loss from an actual investment of cash with Madoff Securities and other factors can be established.

In all cases MVF will look through the formal structure of investment vehicles to determine the economic substance of whose funds were ultimately lost in the fraud at Madoff Securities. These “ultimate or underlying investors” are generally the persons who will be eligible to recover from MVF. Although pooled investment managers may file claims *on behalf of their underlying investors*, unless they lost their own proprietary funds MVF will consider the investors, not the “investment managers,” to be the eligible victims.

Offsets

The net loss of each investor in a pooled investment vehicle generally will be computed on an individual basis, without aggregating investments or withdrawals with those of unrelated individuals. This is a different process for computing loss than used in the Madoff Securities bankruptcy, where investments and withdrawals were netted across all investors using the same pooled account.

MVF will aggregate the deposits and withdrawals in multiple accounts of a single investor, and among multiple investors wherever DOJ determines that there is a “unity of interest” between two or more investors or accounts. Where a unity of interest is determined to exist, these accounts will be consolidated for purposes of determining the combined “net loss.” However unless such a “unity of interest” is determined to exist, the measurement of net investment losses or net cash withdrawals will be done on an individual basis, without netting against the deposits or withdrawals of others who invested through the same account.

Full Disclosure. A claim on this Form IND must disclose fully and completely all of an investor’s accounts with interests in Madoff Securities, and all investments and withdrawals from all accounts. Failure to provide complete and accurate information will be grounds for disqualifying a Petition.

Collateral Recoveries. In processing a claim, all “collateral recoveries” from any source must be deducted from the net investment amount. See the FAQs for a description of collateral recoveries.

**For additional information regarding MVF eligibility requirements,
please refer to our website at www.madoffvictimfund.com.**

Submission Requirements

- This Form IND should be completed and signed by the **underlying investor** of the investment in Madoff Securities. The underlying investor of an investment is the person who took funds out of any of their other assets and invested them either directly or indirectly with Madoff Securities. Funds may have been withdrawn from a savings, checking or investment account, or may have come from the sale of other investment assets. The money may also have come out of a 401(k) or other retirement savings vehicle. It does not matter how the money got into Madoff Securities if it was the victim's own money, it was actually invested in Madoff Securities (either directly or through one or more intermediate investments) and it was lost due to the collapse of Madoff Securities. For investments made jointly, all parties must complete and sign the Petition.
- If submitted on behalf of an underlying investor by an attorney, the Petition must be accompanied by a signed and sworn statement of the underlying investor stating that:
 - the attorney has the authority to represent the underlying investor in connection with the submission of the Petition;
 - the underlying investor has fully reviewed the Petition; and
 - the Form is truthful and accurate in every respect.
- If submitted on behalf of an estate, the Petition must be submitted by a court-appointed executor or administrator of the estate. Any such Petition must be accompanied by documentary proof of the individual's authority to act on behalf of the estate.
- If submitted on behalf of an entity, the person signing the Petition must provide documentary proof of authority to sign the Petition and authority to provide the certification and release contained herein.
- You must disclose all accounts that held investments on your behalf, whether directly or indirectly.
- This Form IND must be received by MVF before the deadline for submission of claims, or within such later period as the DOJ may determine to accept submissions on behalf of victims.
- Losses on investments in swaps or other derivatives whose value was measured by interests in Madoff Securities, but where funds were never actually invested with Madoff Securities, will **NOT** qualify for purposes of claims on MVF.

Completion and submission of this Petition does not automatically entitle you to a distribution from MVF. Determination letters regarding the eligibility of claims will be mailed later in the claims process.

PETITION FORM IND

Submitted by Indirect Investors

IA Indirect Investor Information

The name of the actual underlying investor whose funds were lost in the fraud at Madoff Securities must be provided. For investments in the name of nominees, the identity of the actual investor who is the principal must be provided. Payments will not be made to nominee entities.

Please type or print using blue or black ink

Account Information	<p>Madoff Securities Account Number that your money was ultimately invested in <input style="width: 250px; height: 20px;" type="text"/> SIPA Claim ID (if known and applicable) <input style="width: 40px; height: 20px;" type="text"/></p> <p>Name on Madoff Securities Account <input style="width: 100%; height: 20px;" type="text"/></p>
Primary Claimant	<p>Claimant's (Investor's) Name <input style="width: 100%; height: 20px;" type="text"/></p> <p>Tax ID (Check one) <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID <input style="width: 400px; height: 20px;" type="text"/> (If Foreign ID, provide country) _____</p>
Joint Claimant	<p>Joint Claimant's Name (if any) <input style="width: 100%; height: 20px;" type="text"/></p> <p>Tax ID (Check one) <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID <input style="width: 400px; height: 20px;" type="text"/> (If Foreign ID, provide country) _____</p>
Investor's Mailing Address	<p>Attention <input style="width: 100%; height: 20px;" type="text"/></p> <p>Street Address <input style="width: 100%; height: 20px;" type="text"/></p> <p>City, State/Province, Postal Code <input style="width: 100%; height: 20px;" type="text"/></p> <p>Country <input style="width: 100%; height: 20px;" type="text"/></p>
Investor's Contact Information	<p>Daytime Phone <input style="width: 350px; height: 20px;" type="text"/> Alternate/Cell Phone <input style="width: 350px; height: 20px;" type="text"/></p> <p>Contact Name (if other than primary claimant) <input style="width: 100%; height: 20px;" type="text"/></p> <p>E-mail Address or Website <input style="width: 100%; height: 20px;" type="text"/></p>

II Tax-Deferred Accounts

If the investment in Madoff Securities was through an individual tax-deferred account, such as a 401(k), 403(b) or IRA account, please provide the name, phone number and account number for the institution in which the investor's tax-deferred account is currently held.

Financial Institution _____
Account Number _____ Phone Number _____

III Transactions

If you filed a claim in the Madoff Securities bankruptcy proceeding, we have a copy of all documentation you submitted with that claim and you do *NOT* need to resubmit that documentation. However, you will need to confirm under the penalty of perjury that the documentation you provided to the trustee was correct, and complete as of the date it was submitted. You will also have to verify the completeness and accuracy of information with regard to developments, including recoveries, since the date your material was originally submitted to the trustee in the Madoff Securities bankruptcy. In addition, you must provide any documentation requested below that has not already been submitted to the trustee. In all cases of doubt, please provide the necessary documentation so we can review your claim.

Complete the transaction table below, including every deposit (or purchase of unitized shares) and withdrawal (or sale of unitized shares) comprising your investment in any intermediary pooled investment vehicle which was ultimately invested in Madoff Securities. Please enter the full amount of each transaction and the percentage of each transaction that was allocated to Madoff Securities. You must attach documentary proof of each transaction. If you need additional space, please make copies of the table or download additional pages from our website.

Documentary proof of transactional information can include statements you received from the pooled investment vehicle, wire transfer confirmations, cancelled checks, receipts, letters from fund administrators or investment advisors (on company letterhead), etc. To make a claim for your losses, you will have to provide sufficient documentation to allow MVF to trace the flow of your investments in and out of the pooled investment vehicle, and ultimately in and out of Madoff Securities.

Please submit copies and keep the originals.

Other Intermediary Pooled Investment Vehicles

If your investment detailed in the table above flowed through more than one intermediary pooled investment vehicle before it was invested in a Madoff Securities account, you must identify each intermediary pooled investment vehicle through which your money flowed and the percentage each pooled investment vehicle allocated for transfer to Madoff Securities, supported by documentation. This will enable us to determine the amount of the investment in the pooled investment vehicle detailed in the table above that ultimately flowed to a Madoff Securities account(s).

Pooled Investment Vehicle	Allocation Percentage

Did you invest money in more than one Madoff Securities account, either directly or indirectly?

- No
- Yes - All transactions for all accounts are listed on this claim form (preferred method).
- Yes - I am filing a separate claim form for every Madoff account I invested money in.

Please list on an attached sheet all Madoff accounts in which you had an investment if more than one.

IV Recoveries

Please report any recoveries you have received for any or all of the losses incurred as a result of your investment in Madoff Securities (e.g., distributions from the pooled vehicle in which you invested, litigation recoveries, insurance recoveries, or recoveries from any other source). Please include documentation to support any recovery you have received.

Amount	Date	Source

List any other recoveries you expect to receive **in the future** through litigation, arbitration, insurance or otherwise.

Amount	Date	Source

V Disclosure of Fees, Commissions or Other Financial Compensation

Did you receive any fees, commissions or any financial compensation of any nature from any source for causing any investments in Madoff Securities?

No

Yes If yes, you are required to complete Form A, which is available on our website.

VI Certification and Release

A. **CERTIFICATION.** The undersigned represents and certifies under penalty of perjury that:

1. All personal and transactional information and all disclosures regarding any recovery for the loss resulting from the Madoff fraud, are complete and accurate to the best of the undersigned's knowledge. Information regarding all accounts, whether showing a net investment or net withdrawals, has been provided.
2. All accompanying documents in support of this Petition and documents submitted to the Madoff Securities bankruptcy trustee in support of the bankruptcy claim are true, correct and complete to the best of the undersigned's knowledge.
3. He/she/it is not and/or has not been any of the following.
 - a. A person who knowingly participated in, benefitted from or acted in a willfully blind manner relating to the fraud, and has not earned fees, commissions or other payments from handling or directing investments in Madoff Securities, except as disclosed in Form A (available on our website).
 - b. A person who was an officer, director or employee of Madoff Securities at any time during the Madoff fraud through and including December 11, 2008.
 - c. A member of the Madoff family.
 - d. A person who forfeited cash or property to the DOJ in connection with the Madoff fraud.
 - e. A defendant in any state or federal criminal action relating to the Madoff fraud.
 - f. A person who is otherwise prohibited from receiving payments in the United States, including all prohibited persons under regulations of the Office of Foreign Assets Control (see www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx).
 - g. An affiliate, assign, heir, distributee, parent, spouse, child, or other relative of any of the foregoing, or an entity controlled by, or under common control of, any of such persons.

B. He/she/it consents to the use by the U.S. Department of Justice, the MVF and its staff, and any of the Department's agents of any of the information provided herein for any purpose relating to this claims and remission process, including verifying the Petition or the identity of the Petitioner. This information includes, but is not limited to, the Social Security Number (or taxpayer identification number or similar foreign identifying information), address, telephone number and brokerage account information of the persons involved in any claim.

PETITION FORM CHECKLIST

Before mailing your Petition Form please read these reminders.

- 1) The signed Petition Form must be received by the Special Master **on or before** February 28, 2014, or such other date as the Department may later establish, in order to be eligible for consideration.
- 2) Please review, complete and return all pages of the Petition Form.
- 3) Remember to **sign the Certification and Release**. The Certification and Release must be signed by the primary claimant and all joint claimants. If you received any fees, commissions or other payments for handling or directing investments in Madoff Securities, you must disclose any such compensation on Form A, which is available on our website. You must file Form A with this Petition Form.
- 4) Remember to supply your Social Security Number or Tax Identification Number (or the foreign equivalents of such identifying information) and any joint Social Security Number if applicable.
- 5) Remember to attach all supporting documentation if applicable. Do not send originals of any supporting documentation; ***send copies. You do not need to resend the supporting documentation previously provided to the Madoff Securities bankruptcy trustee.***
- 6) Do not use a highlighter on the Petition Form or supporting documentation.
- 7) Keep copies of the Petition Form and supporting documentation for your records.
- 8) We will send a postcard confirming receipt of the Petition Form within 30 days after receiving it. If you do not receive a confirmation postcard within 35 days of mailing the Petition Form, please call us at (866) 624-3670. **Please note that the Petition Form is not deemed filed until you receive a confirmation postcard. This postcard only confirms receipt. Therefore, it does not mean that your Petition Form is complete or that you are eligible for a recovery.** Once the petition has been reviewed you may receive correspondence concerning any additional information or documentation needed to make the petition complete.
- 9) You are responsible for notifying us of any changes in the information you file, including changes of address or contact information changes, or new collateral recoveries received. Please call us at (866) 624-3670, email us at info@madoffvictimfund.com, or mail us your new contact information. Please include the MVF petition number on any correspondence. Our mailing address is:

**Madoff Victim Fund
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