

PETITION FORM DIR  
Claim filed by Direct 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**

**This Petition Form DIR is for the use of an investor that is filing a claim with the Madoff Victim Fund (“MVF”) who invested with Madoff Securities through an account held directly in its name.**

Please review the Frequently Asked Questions section at [www.madoffvictimfund.com](http://www.madoffvictimfund.com) for further information regarding claim eligibility and the claims process.

Generally, the claims of direct investors eligible to use this Form DIR had “allowed” claims in the Madoff bankruptcy proceedings. However, a victim in MVF must have lost its own money as a result of the fraud. A person or entity who managed money invested in Madoff Securities on behalf of other investors is not generally an eligible victim for purposes of the MVF. You should complete this Form DIR for investments of your own money through direct accounts with Madoff Securities. If you invested money for the benefit of others, you should file claims for the investors’ benefit using Form PV.

A Direct Investor includes any individual or organization that maintained an account at Madoff Securities in its name and with its tax identification number that lost its own money as a result of the fraud. Claimants using this Form DIR must be able to show that they suffered a net loss of its own money 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.**

### 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.

If you filed a claim with the trustee in the Madoff Securities bankruptcy as a direct account holder investor and have an unsatisfied loss, you will receive this form “pre-populated” with data taken from the bankruptcy claims record. If you use the “pre-populated” form, you must nonetheless review and verify such information for completeness and accuracy.

### Measurement of Losses

A victim’s eligible loss for purposes of MVF will be measured as the total amount invested with Madoff Securities, less any amounts withdrawn or obtained from Madoff Securities. Any person or entity that withdrew or otherwise obtained more cash payments from Madoff Securities than its actual cash investments is NOT an eligible victim.

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 DIR 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.

### Sale or Transfer of Claims

Only victims can file claims in the MVF. A victim is the person or entity that suffered a pecuniary loss as a direct result of the criminality that gave rise to the forfeiture of assets in this case. If you believe you sold your right to participate in any distribution by DOJ, please consult the Frequently Asked Questions and the Transfer Ratification Process instructions at [www.madoffvictimfund.com](http://www.madoffvictimfund.com). In order to commence the ratification process, a claim must first be filed by the victim.

**For additional information regarding MVF eligibility requirements,  
please refer to our website at [www.madoffvictimfund.com](http://www.madoffvictimfund.com).**

### **Submission Requirements**

- This Form DIR must be completed and signed by the investor whose funds were invested in the Madoff Securities account. For accounts held jointly, all parties must sign the Petition.
- If submitted on behalf of an estate, the Petition must be submitted by a court-appointed executor or administrator of the estate, accompanied by documentary proof of his/her 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 his/her authority to sign the Petition and authority to provide the certification and release contained herein.
- You must disclose all accounts that held investments relating to Madoff Securities or interests therein on your behalf, whether directly or indirectly.
- 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 DIR

## Submitted by Direct Investors

### I Direct Investor Information

*Please type or print using blue or black ink*

<b>Account Information</b>	<p><b>Madoff Securities Account Number</b> that your money was invested in</p> <input style="width: 250px; height: 20px;" type="text"/>		<p>SIPA Claim ID <i>(if known)</i></p> <input style="width: 40px; height: 20px;" type="text"/> <input style="width: 40px; height: 20px;" type="text"/> <input style="width: 40px; height: 20px;" type="text"/> <input style="width: 40px; height: 20px;" type="text"/>
	<p>Name on Madoff Securities Account</p> <input style="width: 850px; height: 20px;" type="text"/>		

<b>Primary Claimant</b>	<p>Claimant's (Investor's) Name</p> <input style="width: 850px; height: 20px;" type="text"/>
	<p>Tax ID <i>(Check one)</i> <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID</p> <input style="width: 520px; height: 20px;" type="text"/> <i>(If Foreign ID, provide country)</i> _____

<b>Joint Claimant</b>	<p>Joint Claimant's Name <i>(if any)</i></p> <input style="width: 850px; height: 20px;" type="text"/>
	<p>Tax ID <i>(Check one)</i> <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID</p> <input style="width: 520px; height: 20px;" type="text"/> <i>(If Foreign ID, provide country)</i> _____

<b>Investor's Mailing Address</b>	<p>Attention</p> <input style="width: 850px; height: 20px;" type="text"/>
	<p>Street Address</p> <input style="width: 850px; height: 20px;" type="text"/>
	<p>City, State/Province, Postal Code</p> <input style="width: 850px; height: 20px;" type="text"/>
	<p>Country</p> <input style="width: 850px; height: 20px;" type="text"/>

<b>Investor's Contact Information</b>	<p>Daytime Phone</p> <input style="width: 350px; height: 20px;" type="text"/>	<p>Alternate/Cell Phone</p> <input style="width: 350px; height: 20px;" type="text"/>
	<p>Contact Name <i>(if other than primary claimant)</i></p> <input style="width: 850px; height: 20px;" type="text"/>	
	<p>E-mail Address or Website</p> <input style="width: 850px; height: 20px;" type="text"/>	

## 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. 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.

Please verify or complete the below transaction table. Confirm (if pre-populated) or list every deposit, transfer-in, withdrawal and transfer-out of your own investments in the identified Madoff Securities account. If you filed a claim in the Madoff Securities bankruptcy proceeding, these transactions should match those detailed in the Determination Letter you received from the Trustee. You must attach documentary proof for any transaction that is not identified in, or is different than, those identified in the Determination Letter. Documentary proof of transactional information can include account statements, wire transfer confirmations, cancelled checks, receipts, etc. If you need additional space, please make copies of the table or download additional pages from our website.

If you invested money in your Madoff Securities account for other individuals or entities, list only your own transactions, not the deposits and withdrawals made on behalf of other investors. If the pre-populated transaction table includes the investments of other investors, please cross out those transactions.

***Please submit copies and keep the originals.***

*This is not a determination of the eligible amount of your claim.  
It is merely a listing of the cash transactions relating to your Madoff Securities investment.*

Date of Transaction	Transaction Type <i>Deposit or Withdrawal</i>	Transaction Description or Note <i>(if applicable)</i>	Amount <i>(USD or local currency)</i>

Total Deposits (Cash In):    \$ \_\_\_\_\_

Total Withdrawals (Cash Out):    \$ \_\_\_\_\_

The amount of my Net Investment Loss is:

**Did you at any time have any investments in Madoff Securities that are not shown on this Form?**

*This question requires you to disclose investments made directly in a Madoff Securities account and any additional indirect investments that ended up in a Madoff Securities account.*

- No
- Yes

**If Yes**, all investments, whether or not they resulted in a net loss, must be fully disclosed. You may download copies of blank pages of this Form to report the investments and attach the pages to this Form, or submit a separate claim form for each investment.

## 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., payments from SIPC, distributions from the Madoff Securities bankruptcy trustee, litigation recoveries, insurance recoveries or recoveries from any other source). Please include documentation to support any recovery you have received.

*(Any monies received for the sale or transfer of a claim in the Madoff Securities bankruptcy proceeding or for the purported sale or transfer of a claim against MVF should be recorded on a separate Form T-1, which is available from our website.)*

Amount	Date	Source

If you believe it is reasonably certain that you will receive future recoveries from any source, please note them below or attach a supplemental sheet describing any such potential recovery you anticipate, even if you do not know the amount of, or date on which you will receive such recovery.

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## V Settlement Agreements

Have you entered into a settlement agreement with the bankruptcy trustee in connection with your Madoff Securities bankruptcy claim?

No

Yes  If yes, please provide a copy of the settlement agreement and all related materials.

## VI Payments Made to the Madoff Securities Bankruptcy Trustee

Were you required to pay any funds to the Madoff Securities bankruptcy trustee (e.g., for a preference transfer or avoidance amount)?

No

Yes  If yes, please provide documentation evidencing the payment details.

## VII Sale, Transfer or Assignment of Claim

Did you sell, transfer or assign your bankruptcy and/or remission claim?

No

Yes  If yes, please complete Form T-1, which is available on our website.

Only victims are eligible to receive a recovery. However, where the actual victim acknowledges that they sold or otherwise transferred their claim for a payment of remission, and ratifies the terms of the transaction in writing, the victim may request that MVF pay any monies that would otherwise go to the victim directly to the purchaser or other transferee. The ratification process must also be completed by all subsequent purchasers or transferees, if applicable.

## VIII Disclosure of Fees, Commissions or Other Financial Compensation You Received

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.



## IX 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](http://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.

C. **RELEASE.** Each Petitioner hereby recognizes that the distribution of funds that make up the Madoff Victim Fund is not required by law, but that any distribution made shall be in the sole discretion of the Attorney General. Petitioner, whether ultimately determined eligible or ineligible to receive a remission payment from the Madoff Victim Fund, hereby releases and fully discharges, and consents

and agrees that it shall make no claim of any kind or nature whatsoever against any person in connection with the administration and distribution of the Madoff Victim Fund, including the U.S. Department of Justice, U.S. Attorney's Office, Special Master and their respective employees and agents.

**Each of the undersigned declares under penalty of perjury under the laws of the United States of America (and the applicable laws of any other jurisdiction) on information and belief that the information contained herein, the statements made and the answers given in this Petition are true and correct and that any documents submitted herewith are true and genuine.**

Executed on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in  
(Month) (Year)  
\_\_\_\_\_  
(City, State, Country)

Individuals
_____ Signature of Petitioner
_____ Type or print name of Petitioner
_____ Signature of Joint Petitioner (if any)
_____ Type/print name of Joint Petitioner (if any)
_____ Capacity of persons signing above (i.e., Underlying Investor, Executor, POA, etc.)

Corporations, Partnerships, Other Entities
_____ Authorized Signature
_____ Type/print name
_____ Title
_____ Name of Entity
_____ Capacity of persons signing above (i.e., President, Managing Partner, Trustee, etc.)

# PETITION FORM CHECKLIST

*Before mailing your Petition Form please read these reminders.*

- 1) The complete signed Petition Form must be mailed to the Special Master and postmarked on or before April 30, 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) Keep copies of the Petition Form and supporting documentation for your records.
- 7) We will email or send a confirmation of receipt of the Petition Form within 30 days after receiving it. If you do not receive a confirmation 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.
- 8) You are responsible for notifying us of any changes in the information you file, including changes of address or contact information, or new collateral recoveries received. Please call us at (866) 624-3670, email us at [info@madoffvictimfund.com](mailto:info@madoffvictimfund.com), or mail us your new contact information. Please include the MVF petition number on any correspondence.

Please mail your completed claim form to:

**Madoff Victim Fund  
P.O. Box 6310  
Syracuse, NY 13217-6310**