

PETITION FORM PV

Claim filed by Pooled Investment Vehicle on behalf of Underlying 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

This Petition Form PV is for the use of a pooled investment vehicle that is filing a claim with the Madoff Victim Fund (“MVF”) for the benefit of one of its underlying investors. A separate Form PV should be filed for each individual underlying investor on whose behalf a claim is being filed.

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

In many cases the best records of cash invested in Madoff Securities through the pooled vehicle will be held by the pooled vehicle itself. Therefore, MVF encourages pooled vehicles to file claims on behalf of their underlying investors to provide the necessary documentation to establish actual investor net losses. Unless they were investing their own proprietary capital, as opposed to funds managed on behalf of others, pooled investment vehicles will generally NOT meet the definition of an eligible victim. A pooled vehicle filing on its own behalf for proprietary capital should use Form “IND” or “DIR” as appropriate.

A Pooled Investment Vehicle is an entity that aggregated funds of more than one person or entity and invested those funds, in whole or in part, in Madoff Securities. This term includes family trusts or investment vehicles, formal or informal groups of people (friends, family or business associates), “feeder funds,” managed accounts of banks or other financial institutions, investment limited partnerships, hedge funds and any other pooled investment entities where the funds of multiple people or entities were aggregated and invested in one or more Madoff accounts.

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

Individuals who lost funds invested in Madoff Securities indirectly through a partnership, family trust, bank investment fund or other pooled vehicle, are eligible to file a claim on MVF on their own behalf, rather than relying on the pooled vehicle through which they invested.

Where a pooled investment vehicle files a claim on behalf of one of its investors using this Form PV, and the investor also files a claim on Form IND, MVF will consolidate claims information to complete its claim review. However, the underlying investor must in all cases be identified to the satisfaction of MVF to avoid any duplicate payments and to verify eligibility.

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.” Consequently, in ALL cases, the identity and address of the ultimate investor eligible to receive funds must be provided to MVF in order to make a claim. 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 other who invested through the same account.

Full Disclosure. A claim on this Form PV 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

If a pooled investment vehicle has sold its claims in the Madoff Securities bankruptcy, such sale will not generally affect the eligibility of the pooled vehicle’s investors to file a claim with MVF. Even where a pooled vehicle may have purported to sell its claims against the DOJ remission fund, such a sale will generally not affect the rights of underlying investors. Thus in all cases of doubt, MVF encourages pooled investment vehicles to file a claim for the benefit of each of their underlying investors.

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

Submission Requirements

- This Form PV may be submitted in paper form. Alternatively, pooled investment vehicles submitting multiple claims on behalf of underlying investors are free to submit such claims utilizing our electronic filing template.

Please go to www.madoffvictimfund.com to download our electronic filing template and for additional information regarding how to submit a claim electronically.

- This Form PV must be mailed to MVF and postmarked by the deadline for submission of claims or within such later period as the DOJ may determine to accept submissions on behalf of victims.
- Where a pooled vehicle invested its own proprietary funds, not funds it was managing for others, it may qualify as a “victim” to that extent. In any such case the pooled vehicle should file its own claim with MVF as either a direct account holder or an indirect investor, whichever is applicable.
- 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 your investor to a distribution from MVF. Determination letters regarding the eligibility of claims will be mailed later in the claims process.

PETITION FORM PV

Submitted on behalf of an Underlying Indirect Investor

IA Pooled Investment Vehicle Information

Please type or print using blue or black ink

Madoff Securities Account

Madoff Securities Account Number that your investor's money was ultimately invested in (if known)

Name on the Madoff Securities Account

Vehicle Information

Name of the Pooled Investment Vehicle *(if different from the Madoff Securities Account)*

Tax ID *(Check one)* SSN EIN Foreign ID

 (If Foreign ID, provide country) _____

Name of Liquidator or Administrator *(if applicable)*

Status

Operating Closed / Defunct In Liquidation Other: _____

Mailing Address

Attention

Street Address

City, State/Province, Postal Code

Country

Contact Information

Daytime Phone

Alternate/Cell Phone

Contact Name *(if other than primary claimant)*

E-mail Address or Website

IB 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	Investor's Account Number with the Pooled Investment Vehicle
	<input type="text"/>
Primary Claimant	Name on the Account
	<input type="text"/>
Joint Claimant	Claimant's (Investor's) Name
	<input type="text"/>
Investor's Mailing Address	Tax ID (Check one) <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID
	<input type="text"/> (If Foreign ID, provide country) _____
Investor's Contact Information	Joint Claimant's Name (if any)
	<input type="text"/>
Investor's Contact Information	Tax ID (Check one) <input type="checkbox"/> SSN <input type="checkbox"/> EIN <input type="checkbox"/> Foreign ID
	<input type="text"/> (If Foreign ID, provide country) _____
Investor's Mailing Address	Attention
	<input type="text"/>
	Street Address
	<input type="text"/>
Investor's Contact Information	City, State/Province, Postal Code
	<input type="text"/>
	Country
	<input type="text"/>
Investor's Contact Information	Daytime Phone
	<input type="text"/>
	Alternate/Cell Phone
	<input type="text"/>
Investor's Contact Information	Contact Name (if other than primary claimant)
	<input type="text"/>
	E-mail Address or Website
<input type="text"/>	

Account Documentation

Please provide documentation detailing the account relationship between the pooled investment vehicle and the underlying indirect investor. Depending on the type of pooled investment vehicle, documentary proof can include a copy of a partnership agreement, an operating agreement, an account opening document, an investment management agreement or a trust agreement. If the documentation governing the account relationship is the same for all of the underlying investors, a pooled investment vehicle need only provide documentary proof of the account relationship with one claim filed on behalf of its underlying investors. If the relationship document is unique for each investor, please provide each such agreement.

(This space intentionally left blank.)

MVF encourages each pooled investment vehicle to include a chart or diagram of its investment structure with each claim.

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

Please complete the below table with the transactional activity for your underlying investor. List every deposit (or purchase of unitized shares) and withdrawal (or sale of unitized shares) comprising their investment in the 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. You must also attach evidence of each underlying investor's holding at December 11, 2008. 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, wire transfer confirmations, cancelled checks, receipts, letters from fund administrators or investment advisors (on company letterhead), etc. For an electronic submission, you may be able to submit a database download containing the transaction information. Please go to www.madoffvictimfund.com to download our electronic filing template and for additional information regarding how to submit a claim electronically.

Please submit copies and keep the originals.

INDIRECT INVESTOR TRANSACTION TABLE

Date of Transaction	Transaction Type <i>(Deposit/Withdrawal/ Purchase/Sale)</i>	Transaction Description or Note <i>(if applicable)</i>	Madoff Securities Allocation %	Amount <i>(USD or local Currency)</i>

Total Deposits (Cash In): _____

Total Withdrawals (Cash Out): _____

The amount of my Net Investment Loss is:

(Please provide documentation to support the percentage of the investment that was ultimately deposited in, or withdrawn from, Madoff Securities.)

**Identify Any Other Pooled Investment Vehicles That The Investor's Money
Flowed Through Before The Ultimate Deposit In Madoff Securities**

If the investments 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 the money flowed and each pooled investment vehicle's percentage of allocation bound for 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

IV Recoveries

Has this Pooled Vehicle received any distributions from the bankruptcy trustee for Madoff Securities?

No

Yes - Please provide the aggregate distributions received.

\$

Has the indirect investor covered by this claim received distributions from or through this pooled vehicle?

No

Yes - Please provide the aggregate distributions to this investor from your pooled vehicle.

\$

Please furnish a copy of all letters or reports given to investors in your pooled vehicle regarding distributions received from the bankruptcy trustee.

Please report any other recoveries of which you are aware that this investor has received for any or all of the losses incurred as a result of their investment in Madoff Securities (e.g., litigation recoveries, insurance recoveries, or recoveries from any other source). Please include documentation to support any recovery they have received.

Amount	Date	Source

List any other recoveries your investor expects to receive **in the future** through litigation, arbitration, insurance or otherwise.

Amount	Date	Source

V Sale, Transfer or Assignment of Claim

Did you sell, transfer or assign your bankruptcy and/or remission claim, on behalf of your underlying investors?

No

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

VI Certification and Release

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

1. This Form PV is submitted by _____ (the “Pooled Investment Vehicle”) on behalf of _____, who was an investor in the Pooled Investment Vehicle (the “Indirect Investor”).
2. The transaction information provided herein for the Indirect Investor relating to investments in Madoff Securities, including deposits, withdrawals, loans and any other transactions is true, correct and complete. Information regarding all accounts, whether showing a net investment or net withdrawals, has been provided.
3. All collateral recoveries that were received by the Pooled Investment Vehicle and distributed to Indirect Investors have been fully disclosed herein. The amounts distributed to the Indirect Investor from such recoveries have been fully disclosed.

In order to receive a distribution from the MVF, the Indirect Investor for which you are submitting this Form PV will be required to complete his/her/its own certification and release, representing and certifying the following.

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 their knowledge.
2. 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.

3. 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.

4. **RELEASE.** The Indirect Investor will also be required to grant the following 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)

Pooled Investment Vehicle
_____ Authorized Signature
_____ Type/print name
_____ Title / Capacity of persons signing above
_____ Name of Entity

PETITION FORM CHECKLIST

Before mailing your Petition Form please read these reminders.

- 1) The 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 pooled investment vehicle's representative and accompanied by documentary proof of their authority to act on behalf of the entity and their authority to file a claim on behalf of the underlying investor.
- 4) Remember to supply the investor's 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**.
- 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 confirmation of 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 the Petition Form is complete or 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 Individual Investors 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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