

非公式不備通知の複写

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

Claim Number: (申請番号)

(申請者の住所)

(日付)

Dear Claimant:

The Madoff Victim Fund (“MVF”) has initially reviewed the claim referenced above that was filed by you, or on your behalf, reporting losses from investments in Madoff Securities. Based on this initial review, we have identified certain items that appear to be missing from the claim or other deficiencies. These deficiencies are noted on the attachment to this informal Notice. Please carefully review the deficiencies and supply the supplemental information or documents requested.

As noted in a recent update published on MVF’s website, most claims are reviews on multiple occasions for different issues. For example, issues of eligibility are generally reviewed separately from issues of loss computation. As a result, it is possible that you will receive additional notifications in the future regarding other issues or defect in your claim. In our experience the vast majority of deficiencies can be cured, but we understand that collecting information and documentation takes time. We are providing this opportunity for you to collect these materials and send them to MVF in advance of our formal deficiency process. [右記 : 2015年5月以降に追加] It would be helpful if you could respond to this notice within 30-45 days. If the deficiencies noted herein are not resolved, you will receive a formal notice which will have a firm dead line for responses.

The Claim referenced above may have been filed by you or by someone else on your behalf. In any event, this Notice is directed to you as the underlying investor, as it is your responsibility to supplement or correct your Claim. Please send copies of any additional information or documentation to:

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

Madoff Victim Fund
c/o RCB Fund Services LLC
or 17 Technology Place, Suite 1
East Syracuse, NY 13057

Please be sure to reference the Claim Number on all correspondence and documentation you supply the MVF in response to this Notice. If you need further assistance after reviewing this Notice, please contact the MVF help desk via e-mail at info@madoffvictimfund.com or telephone at (866)

624-3670. You may also refer to the MVF website at www.madoffvictimfund.com. Assisting in the recovery of the financial losses that victims suffered is an overriding goal for us. Do not hesitate to communicate with us if you have any questions about how to the items noted on the attachment.

Sincerely,
Madoff Victim Fund

Deficiencies

The deficiencies that relate to your claim are described in detail below. **You may be able to cure these deficiencies.** Please review the deficiencies and deficiency descriptions below and supply the requested information and/or documentation to correct these deficiencies. If we identified deficiencies relating to one or more of the transactions reported on the Claim, a Table listing each such transaction and the corresponding deficiency is included below.

Please note that any information you submit in response to this notice is being submitted under penalty of perjury under the laws of the United States of America (and the applicable laws of any other jurisdiction) and you are attesting that the information or documentation submitted to the Madoff Victim Fund in response to this notice, is true, correct and complete to the best of your knowledge.

Deficiency Descriptions

[MVF よりお客様のお手元に届いた非公式不備通知には申請者ごとに異なる不備内容が記載されています。下記は、本書作成日現在、SMBC 日興証券にて確認された全ての不備内容を記載したものです。]

Code	Name	Instruction
C10	Missing Signatory Authorization	Where the Petition Form has been submitted by a custodian or guardian of the claimant, or the claimants is a legal entity (e.g., a charitable organization, university foundation, union, defined benefit plan, estate), MVF requires documentation to show that the person who signed the Form has authority to act on behalf of the claimant. Depending on the type of claimant, written proof of authority may be in the form of court documents appointing a custodian, guardian, executor or administrator, authorizing resolution or other similar documentation. Please provide a copy of such documentation to MVF. Please note that a power of attorney is not adequate to demonstrate that the person who signed the Form has authority to act on behalf of the claimant.
C15	Missing Transactional Data	In order to recover from MVF, you must show that you invested directly or indirectly (through an intermediary or pooled investment

		<p>vehicle) in Madoff Securities. The Petition Form you submitted did not include a listing of your cash-in/cash-out transaction showing a direct or indirect investment in Madoff Securities. Periodic position statements are not adequate. In order for MVF to further process your Claim, you should complete the transaction table in the Petition Form to show all of your deposit/purchase and withdrawals/sales/redemptions. You must submit documentation to support each transaction listed and documentation showing the account balance for your Madoff-related investment(s) on or around December 11, 2008, when Madoff's fraud collapsed. If you did not invest your money with an entity or individual that held an account at Madoff Securities, you should provide information and documentation showing the path your investment(s) took to Madoff Securities. The Petition Form transaction table is available at: www.madoffvictimfund.com</p>
<p>C21</p>	<p>Uncertain Entity Eligibility – Need Additional Information</p>	<p>The information provided with your Claim is insufficient for MVF to make a recommendation to DOJ as to whether the claimant identified in the Petition Form satisfies MVF's eligibility standards. However based on a review of the Claim and the supporting documentation provided, it appears likely that the named claimant is not eligible to participate in MVF, but individuals who invested through that claimant may be eligible and their individual loss may be compensable by MVF. Under MVF's eligibility standards adopted by DOJ, only the ultimate investor who lost his/her/its own money as a direct result of the Madoff fraud is eligible to be considered for a recovery. Financial intermediary or pooled investment vehicles (e.g. feeder funds, limited partnerships, limited liability companies, personal investment companies, trust companies, life insurance companies, pension plans that are defined contribution plans, corporations) that did not lose their own money are generally ineligible to participate in the MVF.</p> <p>If you believe the entity named in the Petition Form is the appropriate claimant, you should provide a written explanation setting forth the reasons for your conclusion. The fact that the entity may hold "legal" title to the investment assets or entered into a subscription agreement to purchase the Madoff-related investments does not mean that it lost its own money. Likewise, the fact the entity may be authorized to collect assets on behalf of underlying owners or investors, for example, under the terms of a limited partnership agreement or by court order (e.g. liquidators) does not mean that the entity is eligible to participate in the MVF program.</p>

		<p>Your explanation should include, at a minimum, a description of the entity and its purpose, the source of funds used to make the Madoff-related investments, how profits and losses of the entity are allocated among investors/owners/beneficiaries, and a list identifying all the investors/owners/ beneficiaries, including the name address, email address and tax identification number for each. Your written explanation should be accompanied by supporting documents, including the entity's formation documents, records showing the Madoff-related investments, the contributions or investments made by each investors/owners/beneficiaries of the entity, and any other information that you believe may assist MVF in determining whether the entity is the appropriate claimant. If you believe that the entity used proprietary or working capital to make the Madoff-related investments, you should provide a certification from the entity's independent accountant stating that the entity did so.</p> <p>In addition, if you believe the filing entity is the appropriate claimant, please be sure to provide evidence that the person who signed the Petition Form has the authority to act on behalf of the entity, if this material was not already provided.</p> <p>If you conclude that the entity is not eligible under the MVF eligibility standards, please notify the underlying investors/owners/beneficiaries that they should submit their own individual claim using Form IND (if they have not already done so), in order to be considered for a recovery from MVF. The Petition Forms are available at the MVF website: www.madoffvictimfund.com . In order to be considered timely filed, refiled claims must reference the Claim ID on this notice.</p>
C27	<p>Missing Death Certificate and /or Evidence of Rightful Heirs</p>	<p>Please provide a copy of the Death Certificate for the individual who was the original owner of the investment(s). If you have filed the Petition Form as the executor or administrator of an estate, you must provide the name, address, complete contact information and the tax identification number for each beneficiary/heir of the estate. Where the estate is closed, the heirs or beneficiaries should file their own claims with MVF. In this case, you should provide documents showing the percentage of the decedent's assets to which you are entitled.</p>