

PETITION FORM IND

For Claims By Indirect Investors

MADOFF VICTIM FUND

Distribution Vehicle for Forfeited Assets

on behalf of the



UNITED STATES DEPARTMENT OF JUSTICE

Submissions to the Madoff Victim Fund must be verified under the penalty of perjury pursuant to 28 U.S.C. § 1746.

INSTRUCTIONS

Form IND is for use by investors who invested with Madoff Securities through an investment in, or purchase of shares from, an intermediate investment entity such as a feeder fund, bank, investment company, family trust or other pooled entity.

The United States Department of Justice (“DOJ”) will determine 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 Madoff Securities. This involves showing that an individual suffered losses when:

- The funds in question were the victim’s own money;
- The funds were actually invested in Madoff Securities either directly or through an intermediary; and
- The funds were lost as a direct result of the crimes that took place at Madoff Securities.

The victim 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 Funds may have been withdrawn from an investment or savings account in a financial institution, or they may have come from the sale of other investment assets.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. However, in order to be eligible you must have lost money that belonged to you in the fraud at Madoff Securities.

Eligibility for Defrauded Investors, not Intermediaries. MVF will look through issues of formal title to determine whose funds were ultimately lost in the fraud at Madoff Securities. The “ultimate or underlying investors” are generally the persons who will be eligible to recover from MVF, irrespective of how many layers their funds flowed through in reaching Madoff Securities.

Unlike the bankruptcy proceedings, pooled funds themselves are not eligible claimants except to the extent that they lost their own proprietary funds. Similarly, someone who managed funds on behalf of an investor, whether a bank or an investment manager of some other type, is not eligible for a recovery with respect to funds actually belonging to the investor.

Losses on investments in swaps or other derivatives whose value was measured by reference to interests in Madoff Securities, but where funds were never actually invested **in** Madoff Securities, do NOT qualify for purposes of claims on MVF. The FAQs describe other types of losses that are NOT eligible for a recovery.

Making an Individual Claim

Pooled investment vehicles can file a claim on behalf of their investors on Form PV. However, we strongly recommend that individual investors who lost their funds in the fraud should file their own individual claim, rather than relying on any current or former money manager, feeder fund or any other entity to file claims on their behalf. We will integrate the data from any dual filings.

Offsets

In determining eligibility and measuring loss, MVF will aggregate all the deposits and withdrawals a single investor had at any time with Madoff Securities, either directly or indirectly. MVF will not generally aggregate the deposits and withdrawals of multiple persons who invested through a single feeder fund or other account unless we determine that there are identical interests among two or more investors or accounts in different names. MVF considers individual, not group claims.

Full Disclosure. In making a claim, you must disclose all accounts and investments you ever had, directly or indirectly, with interests in Madoff Securities. MVF will evaluate all your investments and withdrawals from Madoff Securities, and not just transactions in a single account. Part of the certification you are required to submit with your claim is a sworn statement that the information you have provided is complete, and does not omit any deposits, withdrawals, recoveries or similar items relating to your investments with Madoff Securities through any account. Failure to fully disclose information could result in a variety of sanctions, including disqualification of all claims.

Collateral Recoveries. You must disclose all recoveries you have already received from (i) SIPC, (ii) the bankruptcy estate; (iii) litigation settlements; (iv) banks or fund managers; and (v) any other source **relating to your investment in Madoff Securities**. If you do not know what you might receive in the future, no estimate is required. However, you must disclose the source of all reasonably likely future recoveries.

For additional information regarding MVF eligibility requirements, please refer to our website at www.madoffvictimfund.com. The Frequently Asked Questions of the website shall control in case of any conflict with the provisions of this Form IND.

Submission Requirements

- This Form IND should be completed and signed by the **underlying or “ultimate” investor** of the investment in Madoff Securities. This form is for individuals to complete and may not be executed by a bank, brokerage firm, hedge fund, feeder fund or other intermediary.
- For investments made jointly, all parties must complete and sign the Petition.
- Parties represented by counsel must nonetheless personally execute the claim form.
- If submitted on behalf of an estate, the claim form should be submitted by a court-appointed executor or administrator of the estate. Any such Petition must be accompanied by proof of the individual’s authority to act on behalf of the estate. If an estate has already been closed, counsel or other official representatives should email our Customer Service to inquire about alternate procedures.
- You must disclose all accounts that held investments relating to Madoff Securities or interests therein on your behalf, whether directly or indirectly.
- Please attach copies of all relevant documentation regarding each entity through which your money travelled on its way to or from Madoff Securities. Please be sure to include confirmations of investments and withdrawals, as well as account statements showing all transactions and the last statement you received relating to the period prior to December 11, 2008. If you are missing copies of any suggested documentation, we suggest that you file your claim with an attached statement of why certain records are not available.
- Attach as many supplemental sheets as you need to document how your funds flowed into Madoff Securities. When completed, your claim must establish the security you purchased or investment you made, the entity through which you made your investment, where the investment was held in custody, when you added or withdrew additional funds (and the exact amounts), and all amounts you have been paid to date from any source with respect to losses from your investment.

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

Please type or print all answers using blue or black ink. Please print carefully and legibly – if we cannot read your information your claim may be rejected.

I Claimant Information

Primary Claimant

Claimant's (Investor's) Name _____

Claimant's Email Address _____

If you filed a claim in the bankruptcy proceeding, please enter your claim ID here: _____

(The name and email address of the claimant whose funds were lost must be provided, even for investments otherwise held in the name of a nominee.)

U.S. Tax ID: _____ SSN EIN

Foreign ID and Country: (if applicable) _____, JAPAN

Street Address _____

City, State/Province, Postal Code _____

Country JAPAN _____

Daytime Phone +81- _____ Alternate/Cell Phone +81- _____

Alternate Contact (if any) _____

Joint Claimant (if any)

Joint Claimant's Name _____

Joint Claimant's Email Address _____

U.S. Tax ID: _____ SSN EIN

Foreign ID and Country: (if applicable) _____

Joint Claimant's Street Address _____

Daytime Phone _____ Alternate/Cell Phone _____

II Information on the Account(s) Through Which You Invested [Your bank or other firm where you kept your account]

This Section calls for information about where the account through which you purchased an investment was located. This will generally be your bank or another type of financial firm where you first purchased an investment security that ultimately, through one or more steps, found its way into Madoff Securities. For this section we want to know where you first placed your investment, not all the subsequent steps.

If you placed your investments through more than one bank or other intermediary, please add supplemental sheets and list all such firms and related account numbers.

Name of Firm and branch *(if relevant)*: _____

SMBC Nikko Securities Inc., _____ branch

Street Address, City, State/Province, Country, Postal Code where your account was located: _____

Exact Name on your Account: *(Enter the name which appears on your account statements)*

Your Account Number: *(If relevant, it should match your backup documents)*

Name of Contact Person at Financial Institution: *(Person Familiar With Your Account, if known)*

Institution or Contact Person Daytime Phone: _____

Institution or Contact Person Email Address: _____

IF YOU DID NOT USE A BANK OR FINANCIAL INSTITUTION FOR YOUR PURCHASE OF A MADOFF-RELATED SECURITY OR INVESTMENT, TELL US THE FIRST LOCATION WHERE YOU SENT YOUR FUNDS.

For example, if you mailed or wired funds directly to a feeder fund, investment partnership, mutual fund, family partnership or other entity of this kind, please give us the information requested above with respect to that entity and identify the entity as completely as possible.

III Investment Products Purchased
[What exactly did you invest in?]

Please list ALL your investments that directly or indirectly resulted in an investment in Madoff Securities.

Name of Security(s) or Other Product(s) you purchased, or were purchased on your behalf :

*For example, did you buy shares in a traded feeder fund, or buy units in an investment fund of some type?
Please tell us what instrument(s) you purchased or invested in, and who you bought it from.*

List below each separate investment product you purchased relating to Madoff Securities:

Relevant investment products are identified by a check mark(s) as below.

- Nikko Arrow Fund - Global Multi Strategy (日興アロー・ファンドーグローバル・マルチ・ストラテジー)
- Nikko Global Funds - Alternative Fund (日興グローバル・ファンズーオルタナティブ・ファンド)

If not already identified, where were these products held in custody during your ownership?

Ultimately, we need to understand the path your investment took in flowing to Madoff Securities. If you are uncertain, or if the form does not exactly match your situation, please list as many steps as you know concerning your Madoff investments and we will review it.

If you provide information in the wrong sections, it will not invalidate your claim.

For any question, please attach however many supplemental sheets you need to explain your situation.

Account Documentation

Please provide documentation detailing the investment you made, and the feeder fund or other entity in which you invested. Please provide a copy of any key documents describing your investment, such as a partnership agreement, offering memorandum, account agreement or sale confirmations.

We need to see documentation showing the date and the amount of each purchase of a Madoff-related investment, each deposit in an account that was transferred in whole or in part to Madoff Securities, and each withdrawal from any such investment or account. Please also provide a copy of the last statement you received before or at the time Madoff Securities collapsed, which includes your Madoff-related investment.

Documentary proof of transactional information can include statements you received from the pooled investment vehicle and/or custodial bank, trade confirmations, wire transfer confirmations, cancelled checks, receipts, letters from fund administrators or investment advisors (signed and on company letterhead), etc. To evaluate your claim MVF has to be able 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.

IV Transactions

Please complete the transaction table below, including every deposit (or purchase of shares) and withdrawal (or sale of shares) in any intermediary pooled investment vehicle that ultimately resulted in your funds being invested in Madoff Securities. Please enter the full amount of each transaction.

For funds that held investments in addition to those related to Madoff, please give us the percentage that was allocated to Madoff Securities if you have that information.

If you need additional space, please make copies of the table or download additional pages from our website.

Your net loss on Madoff-related investments must be computed on a “cash-in, cash-out” basis, disregarding any falsely reported profits (which never existed). For some funds, constantly shifting NAVs or portfolio allocations will complicate tracing the net cash investment in Madoff-related products. However, MVF cannot pay compensation on any basis other than the net cash investment in Madoff Securities that was lost as a direct result of the fraud. Please give us as much information as you have that will show your personal cash deposits and withdrawals, and their allocation if less than 100% of the fund’s portfolio consisted of interests in Madoff Securities.

INDIRECT INVESTOR TRANSACTION TABLE

ADD AS MANY EXTRA SHEETS AS YOU NEED, OR ATTACH A COMPLETE PRINTOUT OF YOUR TRANSACTIONS

Date of Transaction	Transaction Type <i>(Deposit/Withdrawal/ Purchase/Sale)</i>	Transaction Description or Note <i>(if applicable)</i>	Madoff Securities Allocation % <small>(Leave blank if not known)</small>	Amount <small>(USD or Local Currency)</small>
<div style="border: 1px solid black; padding: 5px;"> Please find the attached Certificate of Outstanding Balance as of December 11, 2008, accompanied by transaction data, which are available from the Distributor at this moment, and use them for the application procedure. </div>				

Total Deposits (Cash In): _____

Total Withdrawals (Cash Out): _____

The amount of my Net Investment Loss is:

(If you made a separate investment in another pooled investment vehicle account, please make a copy of the transaction tables and fill in the necessary information regarding that investment.)

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

V Secondary Pooled Investment Vehicles

If any of your investments detailed in the table above flowed through more than one intermediary entity before it was invested in a Madoff Securities account, please identify each such intermediary of which you are aware. For example, if you invested in Fund A and it in turn invested in Fund B, which invested in Fund C, then give us as much information as you have on where your funds went in each subsequent step after the first account (already listed in section II).

VI Tax-Deferred Accounts (For U.S. investors only)

If an investment in Madoff Securities was made 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 _____

VII Other Madoff Investments

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 make copies of blank pages of this Form to report the investments and attach the pages to the Form, or submit a separate claim form for each investment.

VIII Recoveries

Please report any recoveries you have received for the losses you 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

If it is reasonably certain that you will receive future recoveries from a specific source, such as a litigation settlement now in escrow, please provide us information on any such likely future recovery. You do not need to list all pending lawsuits or other legal actions if you have not been advised of any settlement or recovery.

IX 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.

X 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.

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 _____, 2014 in
(Month) (Year)
_____, JAPAN
(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)

- Underlying Investor POA
 Heir of Underlying Investor Other Capacity

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. If your backup documentation is voluminous and you would like to send it on a CD, you may do so. However, the Petition Form itself must be received in paper form with an original signature.
- 2)** 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.
- 3)** 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.
- 4)** Remember to attach all supporting documentation you may have. Do not send originals of any supporting documentation; *send copies*.
- 5)** Keep copies of the Petition Form and supporting documentation for your records.
- 6)** 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. The confirmation only confirms receipt and 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.
- 7)** 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.

Please mail your completed claim form to:

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