**MADOFF VICTIM FUND** P.O. BOX 6310 **SYRACUSE, NY 13217-6310** 



7004536 - SDN **LUXEMBOURG INV FUND SICAV** ATTN: C/O PAUL LAPLUME **42 RUE DES CERISES JUNGLINSTER 6113 LUXEMBOURG** 

Please <u>return this entire Notice</u> and note claim ID 7004536 on any supplemental documentation.



#### I. Contact Information

Please update the below to provide your personal contact information:

LUXEMBOURG INV FUND SICAV ATTN: C/O PAUL LAPLUME 42 RUE DES CERISES JUNGLINSTER 6113 LUXEMBOURG

Daytime Phone: +3522678101

Email address:

CONTACT@LUXEMBOURGINVESTMENTFUNDINLIQUIDATION.LU

#### II. Transaction Table

The Transaction Table lists all of the cash-in and cash-out transactions for the Claim\*. Please note that the "Adj. Amount" entries below could differ from the transaction amount if only a portion of the transaction amount is attributable to your claim. No adjustments to the transaction amount have been made to reflect the portion that was invested in Madoff Securities. The Transaction Table may change upon receipt of additional information and/or a final audit of all claims submitted to the MVF. Review the Transaction Table carefully.

\* Any transactions that occurred after 12/11/08 will not be included in the Transaction Table, as those transactions did not involve deposits into or withdrawals from Madoff Securities. If any post-12/11/08 transactions actually constituted a collateral recovery, those transactions will be listed in the Collateral Recovery Table in this Notice.

Date	Туре	Vehicle Name	Curr.	Amount	Adj. Amount	Description	Deficiencies**

# III. Deficiency Descriptions\*\*

The deficiencies that relate specifically to the transactions are noted in the Transaction Table and described in detail below. Any deficiencies that do not relate to a specific transaction, but relate to the claim as a whole, are also described in detail below. You may be able to cure these deficiencies. Please review the deficiency descriptions below and supply the requested information and/or documentation needed to remedy these deficiencies.

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 MVF in response to this notice, is true, correct and complete to the best of your knowledge.

Code	Name	Instructions
C03	Missing Signature - Primary Claimant	MVF requires that all Petition Forms be signed and that you provide the certifications, representations and releases set forth in the "Certification and Release Section" of the Form. The Petition Form you submitted was either not signed or was signed by the wrong person, or the Certification and Release was altered. MVF will not accept a Certification and Release that has been altered in any manner.
		Please read and sign the "Certification and Release" attached to this notice. By signing the Certification and Release, you are certifying under penalty of perjur to the accuracy of the information contained in the Petition Form and the supporting documentation submitted with the Petition Form.
	see explanation CO3	If your Petition Form was submitted by an attorney, legal guardian or other representative, you must still review the Petition Form and sign the Certificatio and Release. If a representative has submitted a Petition Form on your behalf, you also are required to sign a Notice of Representation, which is available at the MVF website, www.madoffvictimfund.com. Under the remission regulations, power of attorney is not sufficient to authorize a representative to submit a Claim or act on your behalf in connection with MVF.
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 vehicle) in Madoff Securities. The Petition Form you submitted did not include a listing of your cash-in/cash-out transactions showing a direct or indirect investment in Madof 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 deposits/purchases and withdrawals/sales/redemptions that occurred prior to December 11, 2008. You must submit documentation to support each transaction listed. Please also submit documentation showing the account balance for your Madoff-related investment(s) on or around December 11, 2008, when Madoff's fraud collapse If you did not invest your money with an entity or individual that held an account at Madoff Securities, you should provide information and
	see englemetron C15	documentation showing the path your investment(s) took to Madolf Securities  The Petition Form transaction table is available at: www.madoffvictimfund.cc
C21	Uncertain Entity Eligibility - Need Additional Information	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 th 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 losses may compensable by MVF. Under MVF's eligibility standards adopted by DOJ, or 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
	see englamation C21	intermediaries or pooled investment vehicles (e.g. feeder funds, limited partnerships, limited liability companies, personal investment companies, true companies, life insurance companies, pension plans that are defined contributions, corporations) that did not lose their own money are generally ineligible.



Code	Name	Instructions
Code	Name	participate in the MVF.  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 that 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.  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 investor/owner/beneficiary 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.
		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.
		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 claims 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.

This Notice does not represent an eligibility determination regarding the claim; the Department of Justice will make all final eligibility determinations.



## IV. Recoveries

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The Recovery Table below lists all collateral recoveries that were disclosed and that constituted recoveries obtained by the claimant on account of his/her/its Madoff loss (i.e., SIPC advances, distributions from the Madoff bankruptcy trustee, distributions from the pooled vehicle in which you invested, litigation recoveries, insurance recoveries, or recoveries from any other source). Please report any recoveries not listed below that you have received for the losses you incurred as a result of your investment in Madoff Securities. Please include documentation to support any recovery you disclose.

Please note that you will be required to update and verify the amount of any collateral recoveries you received from any source before the Madoff Victim Fund makes any distribution to you.

Туре	Source	Date	Amoun

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.

V.	<b>Tax-Deferred</b>	<b>Accounts</b>	(for U.S.	investors	only)
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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 and account number for the institution in which the investor's tax-deferred account is <u>currently</u> held.

	:44	
Financial Institution		
Account Number		

## VI. 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.

-/		
U	No	
	Yes – my MVF claim ID(s) are:	
If <b>Y</b> o	es, all investments, whether or not they resulted in a net loss, must be fully disclosed.	

# VII. 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?

ø	No Yes – If <b>Yes</b> , you are required to complete Form A, which is available on our website.	
	Yes – If Yes, you are required to complete Form A, which is available on our website.	



# **VIII. 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 the Petition and this Notice 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.

(Continued on the following page.)

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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 Notice are true and correct and that any documents submitted herewith are true and genuine.

Subject to explanations five	in the enclose	u	
	of Oxlober (Month)	. 2015 in (Year)	

Individuals	Corporations, Partnerships, Other Entities
Signature of Petitioner	Authorized Signature
Type or print name of Petitioner	Paul Laplome Alain Rukavina Type/print name
Signature of Joint Petitioner (if any)	liquidators Title
Type/print name of Joint Petitioner (if any)	in court oudered leguidation
Capacity of persons signing above (i.e., Underlying Investor, Executor, etc.)	Capacity of persons signing above (i.e., President, Managing Partner, Trustee, etc.)

#### LUXEMBOURG INVESTMENT FUND SICAV's

**Claim number: 7004536** 

#### supplementary information provided pursuant to your letter dated September 18, 2015

#### **II. Transaction Table**

No changes since our petition dated January 31, 2014 ("the Petition").

The transactions and documents submitted come from a confirmation by BMIS' trustee, respectively by confirmations of bank UBS.

### **III. Deficiency Descriptions**

C03 Missing Signature- Primary Claimant

The Petition form was signed by the liquidators of LUXEMBOURG INVESTMENT FUND SICAV ("LIF"), nominated by a judgment of the court of Luxembourg on April 30, 2009.

The judgment was enclosed to the Petition, you can find it under <a href="https://www.luxembourginvestmentfundinliquidation.lu/docs/juridiques/liquidation/090430-jugement\_commercial\_traduction\_assermentee-ANGLAIS.pdf">https://www.luxembourginvestmentfundinliquidation.lu/docs/juridiques/liquidation/090430-jugement\_commercial\_traduction\_assermentee-ANGLAIS.pdf</a>

Pursuant to this judgment the liquidators Alain Rukavina and Paul Laplume act as the officers of LIF and sign for it.

#### C15 Missing Transactional Data

Enclosure C to the Petition named "Exhibit B-Claim Trustee" lists all cash-in and cash-out transactions between LIF and BMIS. This document is extracted from the claim filed by trustee Piccard against LIF and has been established by trustee Piccard.

Enclosure D to the Petition named "Bank statements UBS" lists the same transactions, as they were reported to LIF its bank UBS.

If you have not received these documents, we can resend them.



#### C21 Uncertain Entity Eligibility – Need Additional Information

LIF is a Luxembourg-based, open-ended investment sub-fund of Luxembourg law ineligible for investment by U.S. investors.

LIF qualifies as an Undertaking for Collective Investment under Luxembourg law, it has adopted the legal form of an investment company with variable capital. Its exclusive object is to raise funds by issuing shares and to invest these funds.

The assets of LIF are owned by the company, which invested its own funds and bore the risk of the investment.

As a consequence LIF is to be considered as the victim for the purpose of the MVF.

The Petition was filed on behalf of LIF as a victim of BMIS and on a subsidiary basis on behalf of the general estate of the creditors and/or shareholders of LIF.

#### IV. Recoveries

Since the filing of the Petition, LIF has recovered the following:

USD 3 240 288,50 on December 18, 2014 from the Shapiro Hill class action (see enclosure)

#### VIII. Certification and Release

The liquidators have been nominated by court decision on April 30, 2009.

They have access to information and documentation remitted to them after their nomination, mainly by the service providers of LIF. As a consequence the liquidators have no firsthand knowledge of LIF's operations and cannot give certification and representation other than those which can be traced to information and documents remitted to them.

Based on this limitation the liquidators can - to best of their knowledge - represent and certify statements A., B. and C.

#### Supplementary remarks

- 1. <u>Amendments</u>. LIF reserves its right to amend, modify or supplement this form in any respect, including the amounts set forth herein.
- 2. Reservation of Rights. The execution and filing of this form shall not be deemed a waiver or release of LIF's rights, claims or causes of action at law or equity against any other entity or person liable for all or any part of the amounts asserted herein; nor shall this form constitute or be construed as a consent by



LIF to the jurisdiction of any courts in the United States. This form is not an election of remedies which waives or otherwise affects any other remedy that LIF has against any other entity or person at law or equity. LIF hereby reserves and does not waive any and all rights of its creditors and/or shareholders, including but not limited to the rights of such creditors and/or shareholders to file their own petitions against the Madoff Victim Fund.

Luxembourg, October 23, 2015

For LUXEMBOURG INVESTMENT FUND, in liquidation

Its court ordered liquidators

Paul LAPLUME



UBS (Luxembourg) S.A. P.O. Box 2 33A, Avenue J.F. Kennedy L-2010 Luxemburg Tél. +352-45-12 11

www.ubs.com

Luxembourg Investment Fund (in liquidation) c/o Mr Paul Laplume, liquidator 42, rue des Cerises L -6113 JUNGLINSTER

Luxembourg, 18 December 2014

Re: Cheque received for Luxembourg Investment Fund (in liquidation)

Dear Mr Laplume,

As agreed with you and Mr Rukavina earlier today, we herewith hand over to you in your capacity as liquidator of Luxembourg Investment Fund (in liquidation) a cheque dated 12 December 2014 which we received on 15 December 2014 from AlixPartners, LLP as Administrator for JPM-Madoff Funds Distribution Account payable to the order of "UBS (Luxembourg) S.A. FBO Luxembourg Investment Fund" and amounting to 3,240,288.50 USD (the "Cheque"), together with an endorsement from UBS (Luxembourg) S.A.

By signing the present letter, you acknowledge receipt of the Cheque.

Yours sincerely,

UBS (Luxembourg) S.A.

Benjamin Wacker

Director

Gero Büttner

Associate Director

Receipt acknowledged:

For and on behalf of Luxembourg Investment Fund (in liquidation)

Mr Paul Laplume

Liquidator

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# AlixPartners, LLP as Settlement Administrator for the Shapiro Hill Class Action 2101 Cedar Springs Road, Suite 1100 Dallas, Texas 75201

December 12, 2014

UBS (LUXEMBOURG) SA FBO LUXEMBOURG INVESTMENT FUND B.P. 456 L-2016 LUXEMBOURG LUXEMBOURG

Received

15. 12. 2014

**LEGAL** 

Re:

Shapiro Hill Class Action Settlement Distribution

BLMIS Account No. 1FR123

Distribution of Class Action Settlement Fund

Dear UBS (LUXEMBOURG) SA FBO LUXEMBOURG INVESTMENT FUND:

As you may be aware, on November 24, 2014, the United States District Court for the Southern District of New York granted Class Plaintiffs' Motion For Distribution of the Class Settlement Fund.

This letter is to inform you that Co-Lead Counsel for the Shapiro-Hill Class Action Settlement have finalized the distribution to eligible claimants. Pursuant to the Settlement Agreement, the Class Settlement Fund will be allocated and distributed to all Authorized Claimants on a pro rata basis.

Your claim has been authorized in the amount of \$260,519,425.00 and you will receive 1.24378% of this amount. Accordingly, enclosed is a check in the amount of \$3,240,288.50. You must cash this check within 120 days of issuance or it will be void and you will forfeit your right to this and any future distribution (should a second distribution be made pursuant to the Court's November 24th, 2014 Order) from the settlement fund.

Further information about this distribution may be obtained from the Class Plaintiffs' website: www.shapiro-hillclasssettlement.com. Finally, should your mailing address change, please send written notification to AlixPartners at the address above at your earliest convenience.

Very truly yours,

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Vineet Sehgal