

Peter Moskowitz Pro se

Redacted

Hearing Date: June 27, 2018

Objections Due: June 1, 2018

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES LLC.

Adv. Pro No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

WRITTEN OBJECTION TO SIPC APPOINTED TRUSTEE'S MOTION TO DISALLOW MY SIPC CLAIM FOR RETURN OF MY PROPERTY STOLEN FROM BMLIS, WITH AN ADDENDUM TO A PREVIOUS OBJECTION FILED IN 2009.

History of my involvement with Madoff:

When I was young boy growing up in the Bronx my father said to me " Peter, don't ever buy stocks. During the depression people used their stock certificates as wall paper. That's how worthless the stocks were." It's ironic that since the SIPA was passed in 1970 that you can't even get the wall paper. I followed my father's advice, being content with FDIC insured bank deposits until well into middle age. In 1987, upon family recommendation, I contacted a man named Sol Alpern (Madoff's father in-law, unknown to me at the time) who claimed to be a broker working for an investment firm named Avellino and Bienes (A&B). He informed that there was a company called Retirement Accounts Inc. (RAI) that

would act as a "passive trustee" (an unfamiliar term to me) that could invest my IRA with A & B. I established an IRA account at RAI. RAI then on my instruction forwarded funds to A&B.

In late 1992 RAI informed me that they had received a large check from Lee Richards, a court appointed bankruptcy receiver. A&B had been forced to liquidate by the SEC for unauthorized dealings in securities. Thousands of investors, myself included, received everything they had been promised (450 million dollars). No fraud was found. Credit was given to a broker of the highest integrity and reputation for resolving any problems and expediting the process. His name was Bernard Madoff. The details were few, but Madoff was willing to accept client A&B clients as his own. The result was the court took money from a thief, gave it to me, and then encouraged me to give it back to the thief.

In early 1993, after a brief consultation with Mr. Madoff, I instructed RAI to open an account for my IRA with Madoff at BMLIS. At some point in 1997 in compliance with a QUADRO RAI ordered BMLIS to calculate the value of ½ the account plus \$71,796.00 and then forward it to them. In response BMLIS arrived at a figure of \$479,001.00 and the value of the account was reduced accordingly.

In 1998, by an act Congress, the Roth IRA ( separate legal entity recognized as such by the SIPC and its trustee) came into being. RAI informed me that it could remove the assets from the IRA account at BMLIS (closing it) and transfer them to a newly established Roth IRA which could then be invested at BMLIS in a new account. I requested they do so. They assured me it had been done. They supplied me with tax documents (1099), taxes were paid. Throughout the years I would receive monthly statements labeled as duplicates for an account representing my Roth IRA. The statements were addressed to NTC & CO FBO Peter Moskowitz. My tax payer ID was not listed in the owner box. If I had questions I was usually referred to a broker named Frank. When I asked him if I could substitute another company for RAI he got quite upset saying that it was not possible because of the tremendous paperwork burden. BMLIS would only deal with RAI, later to become FISERV. In 2007 and 2008 I had RAI send funds to Ameriprise, where my daughter in-law was employed, to establish an additional Roth IRA for me.

On December 09, 2008 I read that Madoff had been arrested. I called the SIPC and was assured that BMLIS was a member. One week later, on 12/18/2008, I spoke to a Mr. Fisher(an attorney) at SIPC. He assured me that the only record I needed to make a claim was my last BMLIS statement. He also advised me to file the claim early as it would be processed in the order received. I was also reassured by Josephine Wang's (general counsel at SIPC) statements to the effect that SIPC would honor the final statements even if no stocks had ever been bought (Dec 16,2008 Street Insider.com). Two weeks later in early January the SIPC changed its position. SIPC president Stephen Harbeck testified in Congress where, under questioning, he characterized BMLIS investors as " greedy, gullible", seekers of "ill-gotten gains", not worthy of restitution. I was no longer an innocent victim. I was to be treated as a potential accessory after the fact. His talk about the applicability of archaic bankruptcy laws predating the creation of the FDIC and the SIPC, along with the irrelevance of SIPA in this case, left me with a feeling of dread. The reality was that SIPC did not have the means to compensate investors given the size of the failure. Nobody predicted the multi-billion dollar recoveries that would occur.



In the meantime I asked FISERV (previously called RAI) to file the SIPC claim form as I believed was their fiduciary duty. They refused. They claimed that SIPC Trustee gave them claim forms to mail to their clients. I was told that the Trustee would accept my signature on the claim form. The trustee confirmed this by listing me personally with my address as a BMLIS client in public court records and then accepting without any objection the claim form I completed for my Roth IRA. I believe that the Tax Code strictly prohibits an IRA owner from acting as a fiduciary for his own IRA. That is why one needs a company such as FISERV to establish and manage an IRA in the first place. It was clear that with the blessings of the trustee that FISERV had abandoned me and my account to the whims of fate. I decided to file the SIPC claim in person as a last resort to salvage what I could.

I decided that I should educate myself about the SIPA and related bankruptcy law. I studied definitions so that I might have a chance to understand what I was facing. As a result of my research I was shocked by what transpired at the Feb 20, 2009 creditors conference. The trustee invented a new definition of "net equity" for SIPA liquidations (cash in minus cash out). He created two new classes of brokerage customers " net winners" and "net losers" with conflicting interests yet claimed to be able to protect both. He said that the 60 day filing deadline had no relevance. He claimed that a criminal's secret books (not the debtors) were the only true records. He recognized that separate legal entities were entitled to individual protections and claims, yet he commingles them for his cash in cash out hypothesis. He confused the issues of debtor and criminal insider when he called BMLIS a Ponzi scheme. In a room with lawyers being paid as much as \$1000/hr. nobody even questioned his positions. Perhaps they were intimidated or perhaps they had never read the SIPA or heard of the "New Times case" where Harbeck told the court that SIPC would replace real stocks listed in the final statements even if they had never been bought. I filed the claim form using the last statement as instructed by Mr. Fisher. Having no knowledge of the true relationships between BMLIS, Madoff, and FISERV, I did my best to answer the questions using the incomplete records provided to me by FISERV. I received the trustee's determination of claim dated Oct 19, 2009. I had an attorney file an objection to that determination on Dec1, 2009.

From the time of Madoff's arrest I suffered from angina pectoris. In March 2010 I was told I had severe coronary artery disease and could die at any moment unless I had quadruple bypass surgery. I decided that I would rather die than have that operation. I think it was not too long after that I received a call from the trustee's law firm advising me that I would not be the subject of an avoidance action. There was no explanation then, but I was extremely grateful. I wouldn't lose my home. A great stressor was removed from my life and I could try to heal. After nine years I had completely forgotten about this objection. I almost discarded the package containing the notice without opening it. After opening it as the memories stated cascading back, I was torn between burying them or giving my account of what happened to me and possibly thousands of others. All I ever did was entrust my retirement account to an SIPC member broker.

SUPPLEMENTAL ARGUMENTS TO THE ORIGINAL OBJECTION FILED IN 2009

Over the long time span since the original filings new facts have come to light along with changed circumstances. As a result I wish to make some additional arguments for the court's consideration.

Bernard Madoff (an insider) was a thief who worked with other criminal employees to steal funds and property sent to BMLIS (the debtor). Those assets were stolen after BMLIS received them. Unknown to BMLIS, Madoff took the stolen funds and placed them in a criminal account he maintained with Chase JP Morgan Bank. Chase paid more than 2 billion in fines for allowing Madoff's activities. The property was stolen from BLMIS not the customers. BMLIS was a legitimate brokerage with a cancer inside. SIPC acknowledged this and put the legitimate portion up for sale. It is inappropriate for the trustee to substitute a thief's secret second set of books or records for the legitimate records of the debtor to evaluate an SIPC claim. I ask the court to overrule his determination on this basis.

In early 2008 trustee, and/ or his agents, went to my Fiduciary (FISERV). They induced FISERV to abandon its fiduciary responsibilities to thousands of elderly clients (myself included) regarding their retirement accounts which FISERV had established, maintained, and invested at BMLIS . It is well known that the federal tax code prohibits IRA account owners from acting as fiduciaries for their own IRA accounts. That is why financial institutions like FISERV exist and what they are paid for. They are necessary to protect the elderly in their retirement years. I believe the trustee's actions rise to the level of elder abuse under color of authority. Despite my entreaties FISERV refused to file a claim form for the IRA citing arrangements made with the trustee for me personally to do so (see documentation). It is of note that the trustee accepted my signature on the claim without objection.

I disagree with the trustee's determination that no securities were ever bought for my account. In 1998 I requested that RAI close my IRA by taking the assets from the BMLIS account, place them in a newly created Roth IRA to be reinvested at BMLIS (see documentation). They told me this could and would be done. There was a transaction that took place between two SIPC members to accomplish this. RAI and BMLIS were responsible for maintaining those records not I. If the trustee will not honor the final statement, which I presented, he should at least replace the customer name securities which were traded and reregistered to establish the account since securities in securities out would be consistent with his cash in cash out hypothesis. I believe that FISERV and BMLIS have or should have the stock certificate numbers relating to the transaction(see documentation). The stocks were valued at the time at \$393,003.21 and distributed to me by RAI as per the information return they filed with the IRS for 1998 (see documentation). The trustee should be able to determine which of my customer name securities were transferred by matching the BMLIS account statements at the time with amount transferred. He could have checked with Fiserv or the DTC nine years ago. I do not know what happened to the customer named securities after they were returned to BMLIS by RAI. If they were converted, they should be returned. If the transaction never happened then there must be complicity on the part of someone at RAI ne FISERV. The trustee by relieving Fiserv of its fiduciary responsibilities to me and thousands of others may have allowed criminals to go undetected.



I was never a direct BMLIS customer. I may have signed getting to know your customer type documents for Madoff due to my relationship with RAI, but I was never allowed to establish a direct customer account. The two accounts I did establish at RAI were clearly separate legal entries each equal to separate SIPC protections under the SIPA rules regarding clients of financial institutions investing with SIPC member brokerages.. The IRA was closed in 1998 before the Roth IRA was opened. The fact that Madoff kept an illegal secret set of books which improperly comingled the two accounts does not give the trustee the right to conjoin them. Neither I nor my trustee (RAI) authorized Madoff to do so. Just as Wells Fargo customers are not responsible for unauthorized accounts opened without their knowledge or consent, neither am I. It is outrageous for the trustee to hold me financially responsible for Madoff's crimes in this way. Any monies that I did receive over the years were from RAI. I do not know the true nature of the relationship between RAI, FISERV, BMLIS, and Madoff. I should not be held responsible for any misdeeds they may have committed even in my name. I would also note that my social security number was never on any statement put out by BMLIS, yet the trustee listed me as a customer. As a result I faced public humiliation as a "greedy, gullible" investor with my address for every scam artist in the world to see. My privacy was unjustly violated in a meaningful way.

The SIPC website states that the trustee owes a fiduciary duty to customers. This is taken to mean customers as a whole or in general. When the trustee created or adopted the cash in/cash out definition of net equity, he also created and adopted the concept of net winners and net losers. He divided the customer pool into two separate groups with conflicting interests. Taking money from the winners would mean more money available to the losers. I do not believe that a fiduciary can ethically represent two groups with conflicting interests. He should have recused himself and been replaced with two trustees, one for each group. His ill-gotten legal fees should be forfeit. They should be returned to SIPC and the customers who paid them. The trustee considered me to be in the net winner group. I believe that he has acted with bias against my claim because he favors the net losers over the winners (recipients of "ill-gotten gains").

It has been more than nine years since I filed an SIPC claim. SIPC is charged with prompt return of customer property when a member is liquidated. This has not come to pass. My property has not been returned. The process has not worked as intended by Congress. Wall Street has not adequately protected a public which can no longer claim physical possession of its property. Who would ever open an account that could be subject to an avoidance action years after it was closed and forgotten. Small brokerages will soon lose the confidence of customers fearing loss to Ponzi schemes, then the large ones. The loss of confidence could eventually destroy the whole financial system as people cash out in a rush to avoid liquidations. In the period that has elapsed many seniors have most assuredly died or are of diminished capacity. I would wager that not many have responded to the trustee's motion.

IN CONCLUSION

I ask the Court to please consider my new information and pleadings in addition to what was present in the original objection presented in 2009. I apologize for any legal gaffes I may have committed. I should have heeded my Father's sage advice about not buying stocks. I won't even get any wallpaper.

Respectfully submitted,

*Peter Moskowitz* DDS 5-31-2008  
Peter Moskowitz

Redacted

Redacted



Supporting  
Documents  
to written  
Objection

Additional Primary Beneficiaries Acct #

My son  
Samuel Moskowitz Birthdate Redacted  
Redacted S.S. # Redacted 8435

My Daughter  
Joelle Moskowitz Birthdate Redacted  
Redacted S.S. # Redacted 6463

Please roll over my IRA account # Redacted -0001  
into a Roth IRA Account. Please note that  
the Limited Partnerships ( Brazos Park Apartments  
& Texas Carlyle Apartments Ltd) were sold on 10-13-97  
and should no longer be listed as an Additional  
investment valued at \$50,000. The Brokerage  
account with Madoff should not be liquidated.  
It should be rolled over intact into the new accounts

Thank You  
Peter Moskowitz  
Redacted





**RETIREMENT  
ACCOUNTS, INC.**

Retirement Accounts, Inc.  
717 17th Street, Suite 1700  
Denver, Colorado 80202-3323  
1-800-325-4352

Please Direct mail to:  
P.O. Box 173785  
Denver, CO 80217-3785

## Roth IRA Transfer/ Rollover/Conversion Form

This form must be completed in addition to (or in conjunction with) a Retirement Accounts, Inc. (RAI) Roth Individual Retirement Account Application (since you need a Roth IRA at our firm to transfer, rollover or convert Roth IRA assets).

**Section 1 - Current (Resigning) Trustee Information** Complete for Roth IRA Transfers and Conversions from another institution.  
(Please type or print in black ink.)

Current Trustee Retirement Accounts, Inc.  
Mailing Address P.O. Box 173785  
Denver, Co 80217-3785  
City / State / Zip

Current Trustee Redacted  
Account Number 4334  
Telephone (include area code)  
(800) 325-4352

**Section 2 - Roth IRA Account Owner Information**  
(Please type or print in black ink.)

Your Name Peter Moskowitz  
Mailing Address Redacted  
City / State / Zip

Retirement Accounts, Inc. Roth IRA Account #  
Social Security # Redacted - 2200  
Date of Birth Redacted  
Telephone (home) Redacted  
(business) D. V. A.

**Section 3 - Transfer/Rollover/Conversion Option**

**Transfer:** Describes the movement of Roth IRA assets directly between Roth IRA trustees without distribution to the individual. As such, no tax forms are generated by either Roth trustee. (This process involves the transfer of an existing Roth IRA account; non-Roth IRA plan types may not be transferred to a Roth IRA.)

**Rollover:** Describes a cash and/or asset contribution to a Roth IRA by an individual within sixty (60) days of receipt of the eligible Roth IRA rollover distribution. To make this rollover, the individual must have received an eligible distribution (full or partial) from another Roth IRA outright. The individual may not roll over all or any part of a distribution from a business retirement plan, 401(a) or (b) annuity or any other non-Roth IRA. (Non-Roth IRA rollovers or direct rollovers from a business retirement plan may be made into a "Traditional" (non-Roth) IRA, and require the use of a different form.)

**Conversion:** Describes a cash and/or asset contribution to a Roth IRA from a Traditional IRA by taxpayers with Adjusted Gross Income under \$100,000 (and not married and filing separately). By checking the Conversion box, the Account Owner certifies that the conversion meets the requirements under law for a qualifying conversion contribution as defined in the Plan documents, and that he or she understands the tax consequences of the transaction.

**Note:** If the current trustee of a Traditional IRA does not "convert" cash and/or assets directly to RAI, but instead sends them directly to you as Account Owner, it is your responsibility to initiate the qualifying conversion contribution to your RAI Roth IRA. (You must ensure that the contribution is clearly indicated as a "Conversion." Please contact an RAI Customer Service Representative for further instructions.)

This will be a (choose one)  Transfer  Rollover  Conversion

**Section 4 - Asset List and Instructions** The option described in Section 3 will be (choose one)  Partial OR  Complete (Please provide a copy of your most recent account statement for complete transfers or conversions. If Partial, please specify exact assets or dollar value below.)

| Liquidate/Sell | Reregister* | Description of Asset/Cash | Dollar Value | Number of Shares | Acct # / Cert # / Maturity Date |
|----------------|-------------|---------------------------|--------------|------------------|---------------------------------|
|                | ✓           | ALL                       | \$ ALL       | ALL              |                                 |
|                |             |                           | \$           |                  |                                 |
|                |             |                           | \$           |                  |                                 |
|                |             |                           | \$           |                  |                                 |

\*Assets should be reregistered to:

Retirement Accounts & Co.  
FBO PETER MOSKOWITZ Roth IRA  
P.O. Box 173785  
Denver, CO 80217-3785

For overnight delivery only  
Retirement Accounts, Inc.  
717 17th St., Suite 1700  
Denver, CO 80202-3323

THIS FORM MUST BE SIGNED ON PAGE 2.

Make checks payable to Retirement Accounts, Inc.

Tax ID number: 84-1314088.

(Continued on the reverse side.)

**RAI IRA Distribution Request (continued)**

Bank Account No. \_\_\_\_\_

City/State/Zip \_\_\_\_\_

C. Transfer/journal the above distribution(s) to my personal account no. \_\_\_\_\_ at my designated brokerage firm. (Securities can be transferred/journaled only within the same brokerage firm.)

D. Special instructions: \_\_\_\_\_

If no selection is made, payment will be sent to address of record. Distributions may only be sent to the Account Owner or Account Owner's personal brokerage or bank account. There is a \$35 charge per wire. Fees may apply for special delivery services.

E. Send the distribution to my RAI Roth IRA account # \_\_\_\_\_ (for rollover conversion purposes only). To establish a Conversion Roth IRA, a Roth IRA Application form must be completed.

**8. Tax Withholding (choose one)**

A. I do NOT want federal income tax withheld from my distribution(s). (Note: Even if you choose this option, federal income tax must be withheld from this distribution if you have not provided a U.S. residence address (not a P.O. Box) in Section 1.)

B. I DO want federal income tax withheld from my distribution(s). I understand that ten percent (10%) of the distribution will be withheld. [If you want a greater percentage withheld, indicate here: \_\_\_\_\_ %. A percentage amount must be designated.]

(See the notice of tax withholding at the end of this form. If no choice is made above, withholding tax will be deducted.)

**9. Account Information (check one)**

A. I DO wish to close my account at this time. I understand that the requested distribution will be subject to a termination fee(s).

B. I do NOT wish to close my account at this time.

Termination fees, if not included with a request to terminate or transfer the account, will be deducted from available Peak Money Market Account funds. If cash is unavailable, termination fees will be billed.

**10. Signature and Acknowledgment**

I acknowledge the declarations made above.

IRA Account Owner's

Signature  Peter Maspowojans

Date 2-17-97

One choice from each applicable item must be checked. When completed, please return this form to Retirement Accounts, Inc.

**Notice of Withholding on Distributions or Withdrawals From IRAs**

This notice is required to be furnished to you by IRS regulations each time an IRA distribution is requested.

The distributions you receive from your retirement plan are subject to federal income tax withholding. You are liable for payment of federal income tax on the taxable portion of your distribution regardless of whether you elect to have tax withheld. If you have provided Retirement Accounts, Inc. your residence address within the United States, you may elect not to have withholding apply. Withholding will only apply to the portion of your distribution that is included in your income subject to federal income tax. If you have not provided Retirement Accounts, Inc. with your residence address, or if you have provided a residence address outside of the United States, withholding generally is required. You cannot elect out of withholding.

If you are eligible (as explained above), you may elect not to have withholding apply to your distribution payments by signing and dating the election form under Section 8 of the Distribution Request Form.

If you elect not to have withholding apply to your distribution payments, or if you do not have enough federal income tax withheld from your distribution, you may be responsible for payment of estimated tax.

If you intend to make a rollover deposit of the distribution you are receiving, you should consider the election not to have tax withheld.

If you do not return the election form before the distribution is made from your account, federal income tax will be withheld from your distribution.

Your election will remain in effect until you revoke it and will be honored for all future distributions from this IRA. You may revoke an election by completing a new Distribution Request Form.





**RETIREMENT ACCOUNTS, INC.**

Retirement Accounts, Inc.  
717 17th Street, Suite 1700  
Denver, Colorado 80202-3323  
1-800-325-4352

Please direct mail to:  
P.O. Box 173785  
Denver, CO 80217-3785

**IRA Distribution Request Form**

**I. IRA Account Owner Information** (please type or print)

Retirement Accounts, Inc. Account # Redacted  
 Name PETER MOSKOWITZ  
 Residence Address (not a P.O. Box) Redacted  
 City/State/Zip Redacted  
 Check here if this is a change of address.   
 Daytime Phone Redacted  
 Date of Birth Redacted  
 Social Security # Redacted - 2200

Retirement Accounts, Inc. (RAI) as Trustee of my Individual Retirement Account, is requested to make payment(s) to me as follows:

**2. Reason for Distribution** (check one)

- A. I am under age 59½. I understand the IRS 10% premature distribution penalty tax may be imposed on this payment. **BOTH IRA CONVERSION**
- B. This distribution is intended to qualify as a "substantially equal" payment under Section 72(t) of the Internal Revenue Code.
- C. I have become disabled as defined in Section 72(m) of the Internal Revenue Code. I have completed and attached RAI's Acknowledgment of Disability Form.
- D. I am over age 59½.
- E. I am over age 70½ and this distribution is intended to satisfy my Required Minimum Distribution. (Please also complete Section 5.)
- F. I wish to have a recent contribution removed or corrected. (Please also complete Section 6.)
- G. I intend to use this distribution to pay for medical expenses that are in excess of 7.5% of my adjusted gross income.
- H. I intend to use this distribution to pay for health insurance premiums as permitted to unemployed individuals under IRS Code section 72(t)(2)(D).
- I. I intend to use this distribution to pay for "qualified higher education expenses" as permitted and defined under IRS Code Section 72(t)(2)(E).
- J. I wish to take a "qualified first-time homebuyer distribution" as permitted and defined under IRS Code Section 72(t)(2)(F).

Do not use this form for a Trustee-to-Trustee Transfer.

**3. Payment Amount(s)** (check one and complete applicable blanks)

- A. Single Payment:  
I wish to withdraw \_\_\_\_\_  
from my IRA. (Fill in dollar amount or write in "total amount," or "200 shares of XYZ stock," etc.)

B. Installment Payments:

If you are age 70½ or older, please read and complete the "Information Concerning Minimum Distributions" in Section 5. Then complete following items 2, 3 and 4. Otherwise, complete all information following.

1. Installment payments are a specified dollar amount or are based on a given payment period. I choose:
  - a. an amount of \$ \_\_\_\_\_ for each payment period. (Specify exact amount or enter "all available cash.")
  - b. a fixed period of \_\_\_\_\_ years.
2. The first payment should be deducted in the month of \_\_\_\_\_, 19\_\_\_\_\_.
3. Please deduct and send my payments (choose one):
  - near the middle of the applicable month.
  - at the end of the applicable month.
4. Subsequent payments are to be paid (choose one):
  - annually     semiannually
  - quarterly     monthly     bimonthly

(Note: You, the IRA Account Owner, must ensure that enough cash is available to make each payment when due. Payments will continue until you notify RAI to the contrary.)

**4. Asset Instructions**

- A. Payment to be made in cash (choose all that apply):
  1. I authorize RAI to liquidate or reregister the asset(s) listed below.
  2. I have contacted my Designated Representative to liquidate any broker-held assets (such as stocks and bonds) or any limited partnerships or other illiquid assets I choose to have sold. My Designated Representative will be responsible for forwarding funds to RAI.
  3. My Peak Money Market balance is sufficient to make the distribution.
  4. I authorize RAI to request funds from my brokerage account # \_\_\_\_\_ at \_\_\_\_\_ brokerage firm.
- B. Distribute (reregister) shares of the following assets into my personal name to make up the requested amount.

Please list assets here:

| # Shares | \$ Amt | Name of Asset | Liqui-date / Sell        | Re-regis-ter                        |
|----------|--------|---------------|--------------------------|-------------------------------------|
|          |        | ALL ASSETS    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|          |        |               | <input type="checkbox"/> | <input type="checkbox"/>            |
|          |        |               | <input type="checkbox"/> | <input type="checkbox"/>            |
|          |        |               | <input type="checkbox"/> | <input type="checkbox"/>            |

(Continued on the reverse side.)



## Self-Directed Roth Individual Retirement Account Application (continued)

**Roth IRA Plan Type (choose only one):**

- Roth IRA (Contributory)** is intended for contributions (up to a maximum of \$2,000 annually) which are not tax deductible, but which may be withdrawn tax-free if part of a "qualified distribution." This plan type includes Spousal Roth IRAs, in which a separate Roth IRA must be established (with a separate Application) for each spouse.
- Roth Conversion IRA** is intended for conversion contributions from a "Traditional" IRA into this Plan (during a single tax year) by taxpayers with Adjusted Gross Income under \$100,000 and not married filing separately. Designating this plan type certifies that the conversion meets the requirements under law for qualifying rollover contributions defined in the Plan documents.
- Roth Combined IRA** is intended for accounts containing both annual Roth IRA contributions and conversion contributions or conversion contributions for different tax years. Designating this plan type certifies that the conversion(s) meet the requirements under law for qualifying rollover contributions defined in the Plan documents, and the account owner understands that the five-year exclusion period for receiving tax-free "qualified distributions" may be extended by making an additional conversion contribution into the same Roth IRA. This plan type allows the account owner to pool regular Roth IRA contributions and conversion contributions for investment purposes.

and I give Retirement Accounts, Inc. consent to record and play back such calls.

- That I have received and accept the Trustee's fee schedule.

In witness whereof, I evidence adoption of the Plan by execution of this Adoption Agreement on the date below.

Account Owner's Signature X *Reth Mahoney 2005*

Date Feb 2, 1998

Retirement Accounts, Inc. hereby accepts appointment as Trustee of this Roth IRA.

Retirement Accounts, Inc. By: *[Signature]*

Account Number (RAI will complete) Redacted 4151

**Valuation Reporting Policy**

Each Account statement you receive shows the value of your assets, all transactions that have taken place and all fees that have been charged. RAI reports the value of account securities as accurately as possible using the resources available to us. The prices listed on your RAI account statement may differ slightly from the values listed on your brokerage account or other investment sponsor statements. RAI cannot guarantee the accuracy of prices obtained from quotation services, nor the length of availability of such prices. Assets marked N/A indicate that a current price was not available at the time of valuation, or that the security had no value. Illiquid assets (such as limited partnerships and private stock) are generally reflected at original offering cost to investors unless we receive written notification verifying a new "fair market value" from an officer representing the investment.

**Note:** Retirement Accounts, Inc. does not conduct appraisals of investments, and it does not seek to verify any values reported to it by officers representing the investments. You should refer to reports received from the general partner, corporate issuer or sponsor (or contact these sources directly) with regard to the current operation and status of your chosen asset(s). The account statement (and reported values therein) should not be used as a basis for making, retaining or disposing of an investment. Please contact your Designated Representative with additional questions.

**Roth IRA Program Fee Schedule Selection**

- Simple Roth IRA     Flexible Roth IRA

**Check Enclosure Summary**

|  |       |
|--|-------|
| Roth IRA Contribution for 19__ (\$2,000 maximum) \$  |       |
| Roth IRA Contribution for 19__ (\$2,000 maximum) \$  |       |
| Cash Roth Rollover Contribution \$   |       |
| Cash Conversion Contribution \$  |       |
| Establishment Fee*<br>(\$25 Simple, \$50 Flexible)   | \$ 25 |
| Annual Administration Fee<br>(Simple*: \$58; Flexible: .4% of asset value billed biannually) | \$ 58 |
| Total Enclosed (Make checks payable to "Retirement Accounts, Inc.")                          | \$ 83 |

\*These fees must be paid at time of application.

**Your Acknowledgment and Signature**

Having read all pages of this application, the Plan and Trust Agreement and the Disclosure Statement, I understand and agree:

- To manage the investment of this Roth IRA pursuant to the provisions of the Roth IRA Plan and Trust Agreement.
- To the Arbitration Agreement (stated herein).
- That, unless I answered **NO** to telephone authorization (the TAP service), I have authorized Retirement Accounts, Inc. to honor telephone transaction requests for my account. I understand and agree that Retirement Accounts, Inc. is not responsible for determining whether or not a caller is authorized other than verifying that such caller is using the proper identifying number for my account. I understand and agree that neither Retirement Accounts, Inc. nor its agents will be responsible for unauthorized trades in my account.
- That Retirement Accounts, Inc. has installed automatic telephone recording equipment on telephone lines used by Customer Service Representatives who handle trading processing and client inquiries

**Arbitration Statement**

The Account Owner hereby agrees that all claims and disputes of every type and matter which may arise between the Account Owner and Retirement Accounts, Inc. shall be submitted to binding arbitration pursuant to the rules of the American Arbitration Association, that such arbitration proceedings and hearings shall take place only in Denver, Colorado; and that, to the extent not preempted by federal law, Colorado statutory law (including without limitation the statutes governing the award of damages in arbitration) and Colorado common law shall control during arbitration. The Account Owner expressly waives any right he/she may have to institute or conduct litigation or arbitration in any other forum or location, or before any other body. Arbitration is final and binding on the parties. An award rendered by the arbitrator(s) may be entered in any court having jurisdiction over the parties. Under the rules of the American Arbitration Association, there may be no right to prearbitration discovery, including depositions or written questions and document production. The arbitrator's award is not required to include factual findings or legal reasoning, and any party's right to appeal or seek modification of rulings by the arbitrator(s) is strictly limited.





**RETIREMENT  
ACCOUNTS, INC.**

February 26, 1998

Bernard Madoff  
Investment Security  
Attn: Frank Di Pascali  
885 Third Ave.  
New York, NY 10022-4834

RE: Retirement Accounts, Inc. FBO  
Peter Moskowitz A/C# Re 334-1  
Your A/C# 1-ZR135

Dear Mr. Di Pascali:

Please use this letter as your authorization to **REREGISTER ALL SHARES** of the above named brokerage account as follows:

Retirement Accounts, Inc.  
FBO Peter Moskowitz  
A/C# Re 151-1  
PO Box 173785  
Denver, CO 80217-3785

Enclosed is our corporate resolution to facilitate this request. **Please notify RAI once this transaction has been completed.** If you have any questions, please contact a Customer Service Representative at 1-800-325-4352. Thank you for your assistance in this matter.

Sincerely,

Retirement Accounts, Inc.

Authorized Signor

4/3

# Roth IRA Conversion/Combined IRA Worksheet

Client: Peter Moskowitz  
 Primary IRA Account #: Redacted 4151  
 Additional IRA Account #: Redacted 4334

## With Accounts Representative:

Received Completed Roth IRA Application Yes No Date Called \_\_\_\_\_\*  
 Received Completed Conversion/Rollover Form Yes No Date Called \_\_\_\_\_\*  
 Received Completed Distribution Form Yes No Date Called \_\_\_\_\_\*  
 Person called and resolution: \_\_\_\_\_

Contributory IRA (RT) Conversion IRA (RV) Combined IRA (RB) {Circle One}

Added Participant Note: "ROTH IRA" \_\_\_\_\_ {Check once completed}

Received Establishment and Administration Fees Yes No Assessed Called  
 Contribution Posted to Account Yes No

## Distributions Representative:

Completed Distribution on Traditional IRA Whole Plan or Partial Term?  Yes  No  
 Waive Term Fees:  Yes  No  
 DC money out of Traditional IRA:  Yes  No  
 Rollover money to Roth IRA:  Yes  No  
 Rollover assets from Traditional IRA:  Yes  No  
 Rollover assets into Roth IRA:  Yes  No

Dist - I told client that only pg 1 & 3 of dist form is okay. Please proceed.  
 HHA

You may wish to attach a screen print of the assets affected. Also, you must inform the Securities Processing Representative if there are certificates that must be re-registered.

## Transfer-In Representative:

Add Transfer-In Coversheet  Yes  No  
 Order Aim Letters to re-register assets  Yes  No  
 Type manual rereg letters  Yes  No  
 Follow Up \_\_\_\_\_  
 Mailed \_\_\_\_\_  
 Mailed 3/4  
 4/3

Miscellaneous Notes:

Redacted

5309 1-ZR135 Bernard L. Madoff  
 885 Third AV  
 New York NY  
 20072-4834



ROI Pg 3 of 8  
**FIRST TRUST**

**IRA**  
**Distribution Request**

A **FIRST TRUST** Company

First Trust Corporation  
 717 17th Street, Suite 1700  
 Denver, Colorado 80202-3323  
 303-293-2223

Please direct this form to:  
 Account Service Team E  
 P.O. Box 173801  
 Denver, CO 80217-3801

**I. Participant Information** (please type or print):

First Trust Account# Redacted 0001  
 Name Peter Moskowitz  
 Residence Address (not a P.O. Box) Redacted  
 City/State/Zip \_\_\_\_\_  
 Check here if this is a Change of Address  
 Daytime Phone Redacted  
 Date of Birth \_\_\_\_\_  
 Social Security Number Redacted 2200

First Trust Corporation, as Trustee of my Individual Retirement Account, is requested to make payment(s) to me, the above-named Participant, as follows. I understand that termination fees may apply as explained in Section VIII.

(One choice from each applicable Section must be checked. If you have questions about this form, please contact First Trust's Account Service Team E.)

**II. Reason For Distribution** (choose one):

I understand that the IRS may impose a 10% premature distribution penalty tax on this distribution if I am under age 59½ unless I have become disabled as defined below or unless I qualify under Section II.C., F. or G. below.

- A.** I am over age 59½ (and no other reason applies).  
 [If this request is meant to satisfy a required minimum distribution, please complete the Information Concerning Required Minimum Distributions on pg. 3.]
- B.** I am under age 59½ (and no other reason applies).
- C.** This distribution is intended to qualify as a "substantially equal" payment under Section 72(t) of the Internal Revenue Code. (It is the Participant's responsibility to determine the annual amount required.)
- D.** I have become disabled as defined in Section 72(m) of the Internal Revenue Code. I have attached First Trust's "Acknowledgment of Disability" form.
- E.** I wish to have a recent contribution removed or corrected. (Please complete "Removal/Correction of Contribution" on pg. 2.)
- F.** I intend to use this distribution to pay for medical expenses that are in excess of 7.5% of my adjusted gross income.
- G.** I intend to use this distribution to pay for health insurance premiums as permitted to unemployed individuals under IRS Code Section 72(t)(2)(D).

**III. Payment Amount(s)**

(choose A or B and complete applicable blanks):

**A. Single Payment:**

I wish to withdraw Total Account from my account. (Fill in dollar amount or write "total account" or "200 Shares of XYZ Stock," etc.)

**B. Installment Payments:** If you are age 70½ or older, please read and complete the Information Concerning Minimum Distributions on pg. 3. Then complete items 2, 3 and 4. Otherwise, complete all information below.

- 1.** Installment payments are a specified dollar amount or are based on a given payment period. I choose:
  - a.** an amount of \$ \_\_\_\_\_ for each payment period. (Specify exact amount or enter "all available cash.")
  - b.** a fixed period of \_\_\_\_\_ years.
- 2.** The first payment should be deducted in the month of \_\_\_\_\_, 19 \_\_\_\_\_.
- 3.** Please deduct and send my payments (choose one):
  - near the middle of the applicable month.
  - at the end of the applicable month.
- 4.** Subsequent payments are to be paid (choose one):
  - annually
  - semiannually
  - quarterly
  - monthly

[Note: You, the Participant, must ensure that enough cash is available to make each payment when due. Payments will continue until you notify First Trust to the contrary.]

**IV. Asset Instructions**

I authorize the liquidation or reregistration of the following assets. I have contacted my Financial Representative to liquidate any broker-held assets (such as stocks and bonds) or any limited partnerships or other illiquid assets I choose to have sold. I understand that finding a buyer and arranging the terms of sale for any illiquid asset are my responsibility (with help from my Financial Representative) and that this is often a lengthy process which requires a First Trust "Secondary Market Authorization Form." I understand that there may also be reregistration or transfer fees assessed for this distribution. [Please call First Trust if you have questions about how to liquidate an asset. If no request for liquidation is made, assets will be reregistered into your name.]

(Refer to table on page 2.)

(Continued on next page.)

4-6-98



**RETIREMENT  
ACCOUNTS, INC.**

March 3, 1998

BERNARD MADOFF INV. SEC.  
885 THIRD AVENUE  
NEW YORK, NY 10022-4834

Re: Client: PETER MOSKOWITZ  
RAI Account # Redact 0001  
Fund Name: Brokerage Account  
Fund Account #: 1-ZR135  
Current Registration: Retirement Accounts, Inc. TTEE FBO PETER MOSKOWITZ

Enclosed is a stock power executed by Retirement Accounts, Inc. which authorizes you to REREGISTER in the title of and to TRANSFER all shares presently held in the above account to:

RETIREMENT ACCOUNTS INC.  
TTEE FBO PETER MOSKOWITZ  
P.O. BOX 173785  
DENVER, CO 80217-3785  
New Account # Redac 0001  
Tax ID: Redac 4088

Please note that this investment is part of a tax sheltered retirement plan which is exempt from Federal income taxes and back-up withholding.

Sincerely,

Retirement Accounts, Inc.

SIGNATURE GUARANTEED  
MEDALLION GUARANTEED  
ASPEN INVESTMENT ALLIANCE, INC.  
  
AUTHORIZED SIGNATURE  
(12) D 9 0 0 4 6 2 0  
QUALITIES TRANSFER AGENTS MEDALLION PROGRAM<sup>SM</sup>  
S.F.

TO: Retirement Accounts, Inc.

The above reregistration and transfer was made on \_\_\_\_\_, as requested.

(Date)

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

RAI/TRANSFER.REG

3514

DELIVERING HIGH PERFORMANCE SERVICE TO SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNTS SINCE 1976

P.O. Box 173785 ■ Denver, CO ■ 80217-3785  
303-294-5959 ■ 800-325-4352 ■ Fax 303-294-5899

AMF00108516

MWPTAP00934050





**RETIREMENT  
ACCOUNTS, INC.**

IRREVOCABLE STOCK OR BOND POWER

For value received, the undersigned does (do) hereby sell, assign and transfer to

RETIREMENT ACCOUNTS INC.  
TTEE FBO PETER MOSKOWITZ  
P.O. BOX 173785  
DENVER, CO 80127-3785

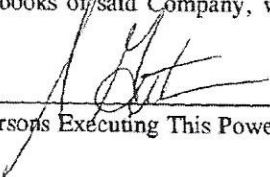
(Social Security or Taxpayer Identifying Number) Redacted 4088

IF STOCK ) ALL shares of the capital stock HELD IN THE BROKERAGE ACCOUNT fund represented by  
COMPLETE) Certificate(s) No(s) \_\_\_\_\_ inclusive standing in the name of the undersigned  
THIS ) on the books of said Company.  
PORTION )

IF BONDS ) \_\_\_\_\_ bonds of \_\_\_\_\_ in the principal amount of \$ \_\_\_\_\_ COMPLETE)  
No(s) \_\_\_\_\_ inclusive standing in the name of the undersigned  
THIS ) on the books of said Company.  
PORTION )

The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said stock or bond(s), as the case may be, on the books of said Company, with full power of substitution in the premises.

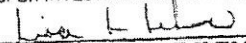
Dated \_\_\_\_\_

  
\_\_\_\_\_  
Persons Executing This Power Sign Here

**IMPORTANT**

The signature(s) to this power must correspond with the name(s) as written upon the face of the certificate(s) or bond(s) in every particular without alteration.

Retirement Accounts, Inc.  
TTEE FBO PETER MOSKOWITZ  
Account # Redacted 0001

SIGNATURE GUARANTEED  
MEDALLION GUARANTEED  
ASPEN INVESTMENT ALLIANCE, INC.  
  
AUTHORIZED SIGNATURE  
( 12 ) D 9 0 0 4 6 2 0  
SECURITIES TRANSFER AGENTS MEDALLION PROGRAM SF

Dated: March 3, 1998

Signature Guaranteed  
Retirement Accounts, Inc.

RAU/TRANSFER.REG

3514

DELIVERING HIGH PERFORMANCE SERVICE TO SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNTS SINCE 1976  
P.O. Box 173785 ■ Denver, CO ■ 80217-3785  
303-294-5959 ■ 800-325-4352 ■ Fax 303-294-5669

AMF00108517

MWPTAP00934051





**RETIREMENT  
ACCOUNTS, INC.**

February 26, 1998

Bernard Madoff  
Investment Security  
Attn: Frank Di Pascali  
885 Third Ave.  
New York, NY 10022-4834

RE: Retirement Accounts, Inc. FBO  
Peter Moskowitz A/C# Re 334-1  
Your A/C# 1-ZR135

Dear Mr. Di Pascali:

Please use this letter as your authorization to **REREGISTER ALL SHARES** of the above named brokerage account as follows:

Retirement Accounts, Inc.  
FBO Peter Moskowitz  
A/C# Red 151-1  
PO Box 173785  
Denver, CO 80217-3785

Enclosed is our corporate resolution to facilitate this request. **Please notify RAI once this transaction has been completed.** If you have any questions, please contact a Customer Service Representative at 1-800-325-4352. Thank you for your assistance in this matter.

Sincerely,

Retirement Accounts, Inc.

  
Authorized Signor

SIGNATURE GUARANTEED  
MEDALLION GUARANTEED  
ASPEN INVESTMENT ALLIANCE, INC.  
  
AUTHORIZED SIGNATURE  
D 9004620  
(12)  
SECURITIES TRANSFER AGENTS MEDALLION PROGRAM SR

DELIVERING HIGH PERFORMANCE SERVICE TO SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNTS SINCE 1976  
P.O. Box 173785 ■ Denver, CO ■ 80217-3785  
303-294-5959 ■ 800-325-4352 ■ Fax 303-294-5899

AMF00108518

MWPTAP00934052

Retirement Accounts, Inc.  
CERTIFICATE OF RESOLUTION

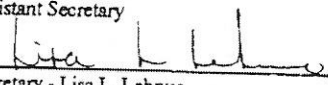
I hereby certify that a meeting of the Board of Directors of The Affinity Group, Inc., a corporation organized and existing under and by virtue of the laws of the State of Colorado was held by consent on the 8th day of January, 1998, at which a quorum was present and acting throughout, the following resolution was adopted and is in full force and effect.

"RESOLVED, That pursuant to a Corporate Services Agreement between Retirement Accounts, Inc. and The Affinity Group, Inc. any of the following: Mark W. Massa, President; Cathy Vidikan, Director; Stephanie Gutierrez, Supervisor; Greg Cimburek, Supervisor; Gary Flander, Director; Victor A. Musielak, Jr., Manager; Lisa L. Lehnus, Managing Director; Colleen Devine, Manager; Dwight Groenevelt, Associate; Robert Nagle, Supervisor; Jane Hanchett, Supervisor; Jeanine R. Burley, Sr. Valuation Specialist; Jan Schmick, Supervisor; M. Duanyelle West, Senior Customer Service Representative; Annette Banes, Supervisor; Cheryl L. Martin, Senior Billing Specialist; Bradley C. Grippin, Cost Accountant, are hereby authorized and empowered to transfer, endorse, sell, assign, set over and deliver any and all shares of stock, bonds, debentures, proxies, deeds of trust, promissory notes, certificates of deposit and any other securities or financial instruments now or hereafter standing in the name of or owned in trust or custodial capacity by Retirement Accounts, Inc., to make, execute, and deliver any and all written instruments necessary or proper to effectuate the authority hereby conferred."

I further certify that the authority conferred above is not inconsistent with the Charter or By-laws of the Corporation and that the following is a true and correct list of the Officers of this Corporation as of this date:

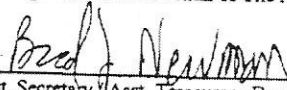
- |                            |   |
|----------------------------|---|
| Mark W. Massa              | President                                 |
| Lisa L. Lehnus             | Secretary                                 |
| Gordon G. Rockafellow      | Vice President                            |
| Martha J. Moe              | Vice President                            |
| Jacqueline K. Freudenstein | Vice President                            |
| Brad J. Newman             | Assistant Secretary / Assistant Treasurer |
| Edward P. Alberts          | Assistant Secretary                       |
| Nancy H. Wedelstaedt       | Assistant Secretary                       |

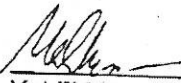
ATTEST

  
Secretary - Lisa L. Lehnus

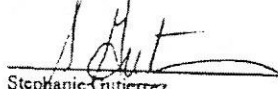
I hereby certify that the above resolution is in full force and effect this \_\_\_\_\_ day of FEB 18 1998, 1998, and that the signatures below are true and accurate signatures of the persons authorized to sign securities on behalf of The Affinity Group, Inc.

(SEAL)

  
Asst. Secretary / Asst. Treasurer - Brad J. Newman

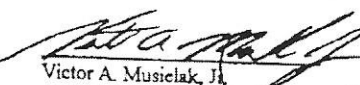
  
Mark W. Massa


  
Cathy Vidikan

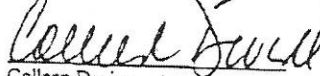
  
Stephanie Gutierrez

  
Greg Cimburek

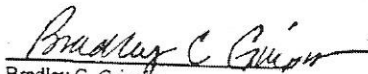
  
Gary Flander

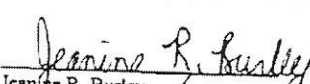
  
Victor A. Musielak, Jr.


  
Lisa L. Lehnus

  
Colleen Devine

  
Dwight Groenevelt

  
Bradley C. Grippin

  
Jeanine R. Burley

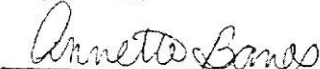
  
Robert Nagle

  
Jane Hanchett

  
Cheryl L. Martin

  
Jan Schmick

  
M. Duanyelle West

  
Annette Banes

AMF00108519

MWPTAP00934053




APPOINTMENT OF ATTORNEYS

WHEREAS, the undersigned Mark W. Massa, Martha J. Moe, and Lisa L. Lehnus entered into an agreement on September 25, 1996, which formed a partnership designated as "Retirement Accounts & Co.," and

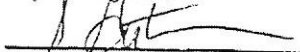
WHEREAS, Paragraph 8 of said partnership agreement reserves to the partners a power to appoint an attorney or attorneys who are authorized by such appointment to sign the firm name,

NOW, THEREFORE, the undersigned partners hereby name, constitute and appoint attorneys, individually or jointly, the following officers or employees of The Affinity Group, Inc., who shall be authorized, unless or until this appointment be revoked or modified, to sign the partnership name in respect of securities and other retirement plan assets transferred in the name of "Retirement Accounts & Co."

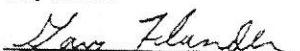
Mark W. Massa

  
Sample of Signature


Stephanie Gutierrez

  
Sample of Signature

Gary Flander

  
Sample of Signature

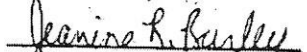
Lisa L. Lehnus

  
Sample of Signature

Dwight Groenevelt

  
Sample of Signature

Jeanine R. Burley

  
Sample of Signature

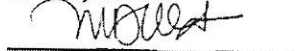
Jane Hargrett

  
Sample of Signature

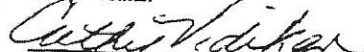
Jan Schmick

  
Sample of Signature


M. Duanyelle West

  
Sample of Signature

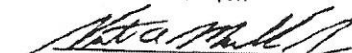
Cathy Vidikan

  
Sample of Signature


Greg Cimburek

  
Sample of Signature


Victor A. Musielak, Jr.

  
Sample of Signature

Collen Devine

  
Sample of Signature

Bradley C. Grippin

  
Sample of Signature


Robert Nagle

  
Sample of Signature

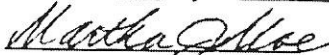
Cheryl L. Martin


  
Sample of Signature

Annette Banes

  
Sample of Signature

  
Mark W. Massa

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998.  
  
Martha J. Moe

  
Lisa L. Lehnus



**RETIREMENT  
ACCOUNTS, INC.**

**A**  
**ROTH IRA**  
account has been established

PETER MOSKOWITZ  
Redacted

Redacted -0001

ACCOUNT NUMBER: Redacted -0001

Thank you for opening an Individual Retirement Account. Please take a moment to verify that we have recorded your name, address and account information correctly. If you need to change any of the information below, please send the corrected information to the return address referenced above or call us at the phone number provided on this form.

Account Disclosures for the PEAK MONEY MARKET ACCOUNT Account

A. Rate Information

The interest rate on your account is 2.18 % with an annual percentage yield of 2.20 %. This is a variable rate account. Your interest rate and yield may change. At our discretion, we may change the interest rate on your account at any time.

B. Compounding and Crediting

Interest will be compounded on a daily basis. Interest will be credited to your account on a daily basis.

C. Balance Information

There are no minimum balance requirements for this account. We use the daily balance method to calculate interest on your account. This method applies a daily periodic rate to the principal in the account each day.

Account Information:

Plan Owner Name: PETER MOSKOWITZ  
Mailing Address: Redacted

Corrected Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plan Owner Telephone: Redacted

Social Security #: Redacted -2200

Date of Birth: Redacted

Plan Type: IRA - ROLLOVER

Billing Schedule: SIMPLE

DELIVERING HIGH PERFORMANCE SERVICE TO SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNTS SINCE 1976

P.O. Box 173785 ■ Denver, CO ■ 80217-3785  
303-294-5959 ■ 800-325-4352 ■ Fax 303-294-5899

DELIVERING HIGH PERFORMANCE SERVICE TO SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNTS SINCE 1976

P.O. Box 173785 ■ Denver, CO ■ 80217-3785  
303-294-5959 ■ 800-325-4352 ■ Fax 303-294-5899



**Form 1099-R**  CORRECTED (if checked) OMB No. 1545-0119 **1998**

**Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.**

1 Gross distribution: 16,681.29  
2a Taxable amount: 16,681.29

2b Taxable amount not determined:  Total distribution:

**Form 1099-R**  CORRECTED (if checked) OMB No. 1545-0119 **1998**

**Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.**

1 Gross distribution: 16,681.29  
2a Taxable amount: 16,681.29

2b Taxable amount not determined:  Total distribution:

PAYER'S name, street address, city, state, and ZIP code  
**First Trust Corporation**  
**717 17th Street, Suite 2600**  
**Denver, CO 80202-3326**

PAYER'S name, street address, city, state, and ZIP code  
**First Trust Corporation**  
**717 17th Street, Suite 2600**  
**Denver, CO 80202-3326**

PAYER'S Federal identification number: **Redac9832**  
 RECIPIENT'S identification number: **Reda-2200**

3 Capital gain (included in box 2a):  
 4 Federal income tax withheld:  
 5 Employee contributions or insurance premiums:

6 Net unrealized appreciation in employer's securities:  
 7 Distribution code: **2**  
 IRA/SEP/SIMPLE:   
 8 Other: %

9a Your percentage of total distribution:  
 9b Total employee contributions:

PAYER'S Federal identification number: **Redac9832**  
 RECIPIENT'S identification number: **Redac-2200**

3 Capital gain (included in box 2a):  
 4 Federal income tax withheld:  
 5 Employee contributions or insurance premiums:

6 Net unrealized appreciation in employer's securities:  
 7 Distribution code: **2**  
 IRA/SEP/SIMPLE:   
 8 Other: %

9a Your percentage of total distribution:  
 9b Total employee contributions:

RECIPIENT'S name and street address (incl. apt. no.), city, state and ZIP code  
**PETER MOSKOWITZ**  
**Redacted**

RECIPIENT'S name and street address (incl. apt. no.), city, state and ZIP code  
**PETER MOSKOWITZ**  
**Redacted**

Account number (optional): **Redacte 0001**  
 10 State tax withheld:  
 11 State/Payer's state no.:  
 12 State distribution:  
 13 Local tax withheld:  
 14 Name of locality:  
 15 Local distribution:

Account number (optional): **Redacte 0001**  
 10 State tax withheld:  
 11 State/Payer's state no.:  
 12 State distribution:  
 13 Local tax withheld:  
 14 Name of locality:  
 15 Local distribution:

File this copy with your state, city, or local income tax return, when required.  
 Department of the Treasury Internal Revenue Service

File this copy with your state, city, or local income tax return, when required.  
 Department of the Treasury Internal Revenue Service

**Form 1099-R**  CORRECTED (if checked) OMB No. 1545-0119 **1998**

**Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.**

1 Gross distribution: 16,681.29  
2a Taxable amount: 16,681.29

2b Taxable amount not determined:  Total distribution:

**Form 1099-R**  CORRECTED (if checked) OMB No. 1545-0119 **1998**

**Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.**

1 Gross distribution: 16,681.29  
2a Taxable amount: 16,681.29

2b Taxable amount not determined:  Total distribution:

PAYER'S name, street address, city, state, and ZIP code  
**First Trust Corporation**  
**717 17th Street, Suite 2600**  
**Denver, CO 80202-3326**

PAYER'S name, street address, city, state, and ZIP code  
**First Trust Corporation**  
**717 17th Street, Suite 2600**  
**Denver, CO 80202-3326**

PAYER'S Federal identification number: **Reda 9832**  
 RECIPIENT'S identification number: **Redac 2200**

3 Capital gain (included in box 2a):  
 4 Federal income tax withheld:  
 5 Employee contributions or insurance premiums:

6 Net unrealized appreciation in employer's securities:  
 7 Distribution code: **2**  
 IRA/SEP/SIMPLE:   
 8 Other: %

9a Your percentage of total distribution:  
 9b Total employee contributions:

PAYER'S Federal identification number: **Redac9832**  
 RECIPIENT'S identification number: **Redact 2200**

3 Capital gain (included in box 2a):  
 4 Federal income tax withheld:  
 5 Employee contributions or insurance premiums:

6 Net unrealized appreciation in employer's securities:  
 7 Distribution code: **2**  
 IRA/SEP/SIMPLE:   
 8 Other: %

9a Your percentage of total distribution:  
 9b Total employee contributions:

RECIPIENT'S name and street address (incl. apt. no.), city, state and ZIP code  
**PETER MOSKOWITZ**  
**Redacted**

RECIPIENT'S name and street address (incl. apt. no.), city, state and ZIP code  
**PETER MOSKOWITZ**  
**Redacted**

Account number (optional): **Redact 0001**  
 10 State tax withheld:  
 11 State/Payer's state no.:  
 12 State distribution:  
 13 Local tax withheld:  
 14 Name of locality:  
 15 Local distribution:

Account number (optional): **Redac 0001**  
 10 State tax withheld:  
 11 State/Payer's state no.:  
 12 State distribution:  
 13 Local tax withheld:  
 14 Name of locality:  
 15 Local distribution:

**Copy C For Recipient's Records**  
 Department of the Treasury Internal Revenue Service

**Copy B** If this form shows Federal income tax withheld in Box 4, attach this copy to your Federal tax return.  
 Department of the Treasury Internal Revenue Service

RECIPIENT COPIES - LR4

RECIPIENT COPIES - LR4



January 7, 2009

**RE: PROOF OF CLAIM FORM**

Dear Sir/Madam:

Fiserv Investment Support Services (Fiserv ISS) recently received the enclosed Proof of Claim form.

Because all Fiserv ISS retirement plans are self-directed, we cannot comment on this matter. Please contact your financial representative with any questions you may have regarding this claim. If you should choose to participate in the claim, please return your completed claim form to the claims administrator at the address indicated in the security litigation materials. We have authorized the claims administrator to accept the signature of the beneficial owners (our clients) on these forms. It is *not* necessary for you to obtain a signature from Fiserv ISS on this form.

If you still hold this as an asset in your Fiserv ISS retirement account, the Claimant Section should be completed in the name of the IRA FBO (Your Name and Account Number).

**If the asset is still held in your Fiserv ISS IRA, and you do not complete the Claimant Section correctly, the proceeds from this claim (if received by you personally) will be deemed a distribution. You may be required to pay income taxes and any applicable penalties. If you have any questions regarding the completion of the Claimant Section of the proof of claim form, please contact one of our Client Relationship Representatives at 800-525-2124.**

Thank you for your attention to this matter.

Fiserv Investment Support Services

Enclosure



36 7207 1/20/2009004  
4066087/2011/20/2009004  
36 7207 1/20/2009004

Peter Moskowitz  
Redacted

January 13, 2009

Fiserv. Investment Support Services  
717 17th Street Ste.1700  
Denver, Co 80202-3331

Dear Sirs:

On January 10, 2009 I received SIPC claim forms and notice of liquidation by the SIPC of Bernard Madoff Investment Securities LLC from the SIPC appointed trustee, Irving H. Picard, Esq. I have a Roth IRA account being handled by your company. The account number is Redacted 0001. The securities in that account were valued at \$1,154,098.96 according to my understanding of the last brokerage statement. The securities from that account were located in a segregated or individual brokerage account managed by the Madoff firm. I believe the account is in your name with me as the beneficiary. I believe that this account is covered by the Securities Investor Protection Act. I ask that you file the appropriate claim form with the SIPC trustee so as to maximize the recovery of assets to my account. Time is of the essence. There are less than fifty days left to file a timely SIPC claim in this matter. If you can not comply with my request, please notify me immediately with a full and complete explanation. Please send me a copy of any claim form that you do file for my records.

Sincerely,

*Peter Moskowitz DDS*

January 21, 2009

Peter Moskowitz  
Redacted

RE: Peter Moskowitz, IRA  
Account Number Redacted0001

Dear Peter Moskowitz:

Enclosed please find information responsive to your recent request for documents pertaining to the above referenced account. Fiserv Investment Support Services has made a diligent search of your client and asset review files and we believe the enclosed documents are all those responsive to your request. Please accept our apologies in the delay in delivering this information to you.

Should you have any questions regarding this information, please contact our Client Connection Department at 800-962-4238.

Sincerely,

Fiserv Investment Support Services

Enclosures

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***Fiserv ISS Internal Use Only***

Documents Mailed to Account Owner

Account Documents \_\_\_\_\_

Account Statements \_\_\_\_\_

Other \_\_\_\_\_

Trust and Custodial Services provided by  
Trust Industrial Bank, member FDIC.



Peter Moskowitz  
Redacted

January 26, 2009

Fiserv Investment Support Services  
717 17th Street Ste. 1700  
Denver, CO 800202-3331

Dear sirs:

I have received your proof of claim form letter dated January 7, 2009. I also received a telephone call on January 21 from Brian Martishinske in response to the letter I sent you dated January 13. He informed me, in no uncertain terms, that your company will not file the SIPC claim related to my Roth IRA account with you and the missing securities in the account you established with Bernard Madoff Investment Securities LLC as I requested in my letter. He explained that your company has made an arrangement with the claims administrator to accept my signature on the form. Please send me a copy of any written agreement or the names of the parties to that agreement if it isn't in writing. Your letter mentions the term "beneficial owner". Please explain this term. I was under the impression that you owned the account as custodian for my IRA. I don't know that I have the proper standing to sign the form unless it is in a capacity as your agent. I never had such authority before, why now? Even then I don't know if IRS or other regulations permit me to do so for my own IRA. I may be able to do so if you have abandoned your responsibilities to me. In any case you are the primary custodian of the documents necessary to file the claim. I believe the only document necessary to file the claim is the last monthly brokerage statement at the filing date. At least send me your copy of that statement. If you do not have that statement please explain how you could value my account or expect the SIPC administrator to process the claim. The information you sent was inadequate. Furthermore if I am signing in your stead then I believe I need to understand the complete relationship between the Madoff firm and yours in order to answer questions 4,5,6,7, and 8 so as to complete the form properly. Please send me the information I require so that I may more adequately protect my interests. Please respond promptly as deadlines in this matter are approaching.

Thank you for your attention to this matter

February 6, 2009

PETER MOSKOWITZ  
Redacted

RE: PETER MOSKOWITZ, Roth IRA # Redacted 0001

Dear PETER MOSKOWITZ:

Fiserv Investment Support Services ("Fiserv ISS") recently sent a notification to its self-directed Individual Retirement Account ("IRA") owners who had chosen to invest their Fiserv ISS IRAs with Bernard Madoff and his brokerage firm, Bernard L. Madoff Investment Securities, LLC ("BMIS"). Because additional information has come out since that notice we are providing the following update.

**SIPC Trustee Claims Process**

In January 2009 Fiserv ISS placed in overnight mail all claim forms that it received from the Securities Investor Protection Corporation ("SIPC") Trustee, Irving H. Picard. As stated in those forms, the deadline for filing with the Trustee is March 4, 2009. Fiserv ISS will not be filing claims on behalf of account owners – it is the responsibility of each account owner to decide whether or not they wish to file a claim, and to complete and submit the proper forms to the Trustee.

Some account owners have requested that we provide them with account documents to support their claims with the Trustee, and we have been working diligently to complete those requests. Please note that your Fiserv ISS statements reflect only the total market value (as reported to Fiserv ISS) of your account at BMIS, and not the purported holdings of your BMIS account. Detailed holdings should have been included on statements provided to you by BMIS.

Because requests for all documents that relate to an account take longer than requests for only certain documents (such as account statements), in order to expedite document requests we ask that you refer to the forms provided by the Trustee for instructions as to what specific documents are required.

**Trustee's Release of Account Owner Information**

On February 4, 2009, the SIPC Trustee filed with the court a document that it had prepared for it entitled "Customers." The document included names and other information relating to customers of BMIS, including some partial (and in a handful of cases, complete) account numbers. The court then made that information available to the public. Please be assured that this information alone is not sufficient to access accounts. In addition, all these accounts are currently restricted with respect to transactions. In any case, more identifying information, including but not limited to full account numbers, is required to access accounts.

**Form 1099 Reporting**

A few account owners have asked for clarification regarding the tax reporting on amounts recovered through the SIPC Trustee. As directed custodian for self-directed IRAs, Fiserv ISS is required by the Internal Revenue Code to report on Form 1099 any amounts removed from an IRA account. This requirement applies to amounts that may be recovered from the Trustee in relation to investments that were originally made through a Fiserv ISS IRA.

With respect to any recovery related to your investments with BMIS, your options include, but may not be limited to, having the recovery directed to your Fiserv IRA (in which case no 1099 would be required), or directing the