

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No. 12-81311-CIV-MIDDLEBROOKS/BRANNON

UNITED STATES COMMODITY
FUTURES TRADING COMMISSION,

Plaintiff,

v.

HUNTER WISE COMMODITIES, LLC,
et al.,

Defendants.

PROOF OF CLAIM AND RELEASE

IF YOU TRANSFERRED FUNDS TO HUNTER WISE COMMODITIES, LLC, HUNTER WISE SERVICES, LLC, HUNTER WISE CREDIT, LLC, HUNTER WISE TRADING, LLC, LLOYDS COMMODITIES, LLC, LLOYDS COMMODITIES CREDIT COMPANY, LLC, LLOYDS SERVICES, LLC, C.D. HOPKINS FINANCIAL, LLC, HARD ASSET LENDING GROUP, LLC, BLACKSTONE METALS GROUP, LLC, NEWBRIDGE ALLIANCE, INC., AND/OR UNITED STATES CAPITAL TRUST, LLC (THE “ENTITY DEFENDANTS”), AND/OR A DEALER WHO UTILIZED HUNTER WISE TO PURCHASE METALS ON YOUR BEHALF (THE “HUNTER WISE DEALERS”),¹ OR

IF YOU ARE A CREDITOR OF ONE OR MORE OF THE ENTITY DEFENDANTS,

YOU MAY BE ENTITLED TO RECEIVE A PAYMENT FROM FUNDS RECOVERED IN THIS CFTC ENFORCEMENT ACTION.

DEADLINE FOR ALL CUSTOMERS AND CREDITORS TO SUBMIT CLAIMS TO THE RECEIVER: SEPTEMBER 19, 2014.

¹ A complete list of all Hunter Wise Dealers is attached hereto as **Exhibit “1”**.

GENERAL INSTRUCTIONS

1. In order to recover funds to which you may be entitled as an Eligible Claimant (as defined in the Legal Notice of Claims Administration Process and Plan of Distribution (the “Legal Notice”) [ECF # 312-1]) in this CFTC enforcement action, you must complete this Proof of Claim and Release form (the “Proof of Claim and Release”) and sign it under penalty of perjury where indicated on page 11 of this document. If you fail to timely submit a Proof of Claim and Release and/or provide supporting documentation (as discussed herein) your claim may be rejected and you may be precluded from any recovery from the HW Distribution Fund (as defined in the Motion to Approve Receiver’s Claims Administration Process and Plan of Distribution [ECF # 312] (the “Motion to Approve”)).

2. Submission of this Proof of Claim and Release, however, does not assure that you will share in the proceeds of the HW Distribution Fund, or that if you do receive a distribution, you will be fully compensated for your loss. The Receiver is providing the Proof of Claim and Release form in connection with this Claims Administration Process and encourages all customers and creditors, who are Eligible Claimants (as defined in the Legal Notice), to submit a claim against the Receivership Estate.

3. You must send, by U.S. mail, FedEx or other express delivery service, or other secure method of delivery, your completed and signed Proof of Claim and Release to the Receiver postmarked on or before *[40 days after the Plan Approval Date]*, 2014 to the following address:

**Melanie E. Damian, Receiver
HW Distribution Fund
c/o Damian & Valori LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131**

4. The Receiver shall conduct one Claims Administration Process for all creditors of the Estate and make an initial and a final *pro rata* distribution to customers and creditors with allowed claims based on the determinations made in that process. Within thirty (30) days following the conclusion of the Claims Administration Process, the Receiver shall make an initial distribution of eighty percent (80%) of the total amount of cash on hand in the HW Distribution Fund at that time. After the asset recovery and liquidation phases of the Receivership have been concluded, the Receiver shall make a final distribution of the remaining cash on hand in the Estate after payment of all administrative expenses that are incurred through the conclusion of the Receivership.

5. If you are NOT an Eligible Claimant, as that term is defined in the Legal Notice, DO NOT submit a Proof of Claim.

INSTRUCTIONS FOR CLAIM FORM

1. Please complete the “Claimant Information” section, on page 6 below, which requests information regarding each customer that incurred a net loss as a result of transferring funds to one or more of the Entity Defendants, their affiliates and/or Hunter Wise Dealers for the purpose of purchasing metals, or each creditor to which any of the Entity Defendants are indebted (each, a “Claimant”). Some of the Claimant Information may have been provided for you based on information provided to the Receiver. Any incomplete or incorrect information must be completed and/or corrected by the Claimant or the Claimant’s legal representative. If investments were made jointly, all joint Claimants must sign this Proof of Claim and Release. Executors, administrators, guardians, conservators, and trustees of Claimants must complete and sign this form on behalf of persons represented by them, their titles and capacities must be stated, and documentation establishing their authority must accompany this Proof of Claim and Release.

2. Use Table “A”, in Section II on pages 7-8 below, entitled “Transactions in the HW Fraud” to supply all required details of (i) your transfer of funds to one or more of the Entity Defendants, their affiliates and/or Hunter Wise Dealers for the purpose of purchasing metals, or (ii) the debt that one or more of the Entity Defendants incurred for goods or services that you provided to them. Failure to report accurately any detail related to your claim may result in the rejection of your claim.

3. If you are a retail customer, please provide on Table “A” all of the requested information with respect to (i) each transfer of funds to one or more of the Entity Defendants, their affiliates and/or Hunter Wise Dealers for the purpose of purchasing metals, from July 16, 2011 through February 25, 2013, and (ii) each transfer of funds that you received from any Entity Defendant, affiliate, and/or Hunter Wise Dealer from July 16, 2011 through February 25, 2013. You should identify all such transfers and receipts of funds during the relevant time period regardless of whether you believe such transfer or receipt resulted in a profit or loss. You must accurately provide the date and amount of each such transfer or receipt.

4. If you are a creditor, please provide on Table “A” all information related to any debt to you that one or more of the Entity Defendants incurred after July 16, 2011, for goods and/or services that you provided to any such Entity Defendants, including details regarding the amount owed, the type of goods and/or services provided, the value of those goods and/or services, the date those goods and/or services were provided, and the date that payment for such goods and/or services was due. You must accurately provide the forgoing information regarding each debt that forms the basis of your claim.

5. In addition to filling out and signing the Proof of Claim and Release, you should attach to that form any and all documentation you have supporting the information you are providing, including without limitation all correspondence, emails, statements, confirmations,

and other documents relating to your transactions, dealings and communications with Defendants, their affiliates and/or Hunter Wise Dealers, whether those documents are in hard copy or electronic form. If you have already provided such materials to the Receiver, please check the box that states “Documents Already Provided to Receiver.” Failure to provide such documentation could delay verification of your claim and/or result in rejection of the claim.

CHECKLIST FOR PROOF OF CLAIM AND RELEASE FORM

1. Complete the Claimant Information (Section I below).
2. Complete the Transaction in HW Fraud section (Section II below), by listing on Table “A” your transfers to and receipts from the Entity Defendants, their affiliates and/or Hunter Wise Dealers (and related details), or the debts to you that any Entity Defendant incurred (and related details), from July 16, 2011 through February 25, 2013.
3. Complete and sign the Certification and Release (Section III below)
4. Detach and send the completed and signed Proof of Claim and Release (pages 6-11 of this document), together with a copy of all supporting documentation, by U.S. mail, Federal Express or other express delivery service, or other secure method of delivery, to the Receiver at the address below no later than *[40 days after the Plan Approval Date]*, 2014. Please keep a copy of your completed and signed Proof of Claim and Release form and supporting documentation for your records. If you have any questions regarding the Proof of Claim and Release, please contact the Receiver at:

**Melanie E. Damian, Receiver
HW Distribution Fund
c/o Damian & Valori LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Email: HunterWiseClaims@dvlp.com
Telephone: (305) 542-4410**

HW DISTRIBUTION FUND

PROOF OF CLAIM AND RELEASE FORM

I. CLAIMANT INFORMATION (Please print or type)

Check here if this is a corrected or amended Proof of Claim and Release: _____

Date(s) of prior Proof of Claim and Release filings: _____

Check here if you already provided supporting documentation to the Receiver: _____

1. _____
Name of Claimant (If an individual, enter Last, First and Middle)

2. _____
If an entity, that entity's Taxpayer Identification Number

3. _____
Name of Joint Claimant, if applicable. (If an individual, enter Last, First and Middle)

4. _____
In Joint Claimant is an entity, that entity's Taxpayer Identification Number

5. _____

Claimant's Street Address, including City, State and Zip Code

Claimant's Foreign Province or Foreign Country (if applicable)

6. _____ _____
Daytime Telephone No. Evening Telephone No.

III. CERTIFICATION AND RELEASE

Each of the undersigned separately represents and certifies that each such person or entity:

1. Did not receive from the Entity Defendants, their affiliates or Hunter Wise Dealers, between July 16, 2011 and February 25, 2013, an amount equal to or in excess of: (a) the amount such person or entity transferred to those entities for the purpose of purchasing metals during that time period, or (b) the value of the goods and/or services that such person or entity provided to the Entity Defendants underlying the debt that arose during such time period.

2. Table A in Section II of this Proof of Claim and Release form accurately reflects, to the best of the undersigned's knowledge and understanding, (a) all transfers to and receipts from the Entity Defendants, their affiliates or Hunter Wise Dealers between July 16, 2011 and February 25, 2013, or (b) all debts that the Entity Defendants incurred between July 16, 2011 and February 25, 2013.

3. Was not an affiliate, family member or insider of any Defendant, affiliate of any Defendant, Hunter Wise Dealer, or the HW Fraud.

4. Did not knowingly assist any Defendant, affiliate of any Defendant, or Hunter Wise Dealer to effectuate, perpetuate or promote the HW Fraud *at any time*, or have knowledge of its fraudulent nature at the time undersigned (a) made any transfer for the purposes of purchasing metals upon which this claim is based, or (b) provided the goods and/or services to any Entity Defendant giving rise to the debt upon which this claim is based.

5. If executing this Proof of Claim and Release on behalf of a corporation, partnership or other entity, possesses all requisite power and authority to execute this form, to grant the Release provided below, and to do all other things necessary and appropriate in connection with the submission of this Proof of Claim and Release.

6. Consents to the Receiver's and her agents' use of any of the information provided herein including, but not limited to, name, address, telephone number, brokerage account and trading information in any way deemed appropriate for verification of the claim.

7. Submits to the jurisdiction of the United States District Court for the Southern District of Florida (the "Court") in connection with any matter relating to the administration of the HW Distribution Fund and the processing and disposition of this Proof of Claim and Release; waives trial by jury, to the extent such a right exists; and agrees to the Court's summary disposition of the determination of the validity or the amount of the claim made by this Proof of Claim and Release, all in accordance with the Distribution Plan.

8. Upon receipt and acceptance of any distribution from the HW Distribution Fund, fully, finally and forever waives, releases and relinquishes any and all claims of any kind, nature or description whatsoever that the undersigned may now, or at any time in the future, have against each of the Receiver, the HW Distribution Fund, and their respective employees, agents and affiliates, whether known or unknown, that arise out of or relate in any manner to the performance by such persons of their respective duties and responsibilities under the Claims Administration Process and Distribution Plan, including, without limitation, the administration of the HW Distribution Fund.

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) that the statements made and the answers given in this Proof of Claim and Release are true and correct, and that the documents submitted herewith are true and genuine.

Executed on this ____ day of _____ (Month), 2014, in
_____. (City, State, Country)

CLAIMANT (Individuals, Corporations, Partnerships, Other Entities)

Signature of Claimant or Authorized Signatory

Print or Type Name of Claimant

Capacity of person signing above
(e.g., Beneficial Owner, Executor, Administrator, Other)

Signature of Joint Claimant (if any)

Print or Type Name of Joint Claimant (if any)

Capacity of person signing above
(e.g., Beneficial Owner, Executor, Administrator, Other)