

CLAIM FORM, ACKNOWLEDGMENT, RECEIPT, AND RELEASE

In re Austin Capital Management, Ltd., Securities & ERISA Litigation
c/o Gilardi & Co. LLC
P.O. Box 990
Corte Madera, CA 94976-0990
www.AustinCapitalManagementSettlement.com

<<BARCODE>> <<CLAIMID>>
<<FIRSTNAME>> <<LASTNAME>>
<<ADDR1>> <<ADDR2>>
<<CITY>>, <<STATE>> <<ZIP>> <<FPROV>> <<FZIP>>
<<FCOUNTRY>>

COMPLETE AND SIGN THIS FORM IF YOU WISH TO RECEIVE YOUR SHARE OF THE FINANCIAL BENEFIT PROVIDED BY THE SETTLEMENT FUND ESTABLISHED BY THE SETTLEMENT AGREEMENT IN THIS CASE

You must sign and return this form POSTMARKED NO LATER THAN AUGUST 31, 2014, to receive your share of the benefit provided under the settlement.

As stated in the Notice, the proceeds of the Net Settlement Fund will be allocated to eligible Investor Class Members. Your share of the Net Settlement Fund will depend on the number of claim forms that eligible Investor Class Members submit, your ownership interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of approximately December 11, 2008, the net principal of the Austin Capital fund in which you invested that was exposed to the Rye Select Broad Market Prime Fund, and whether you are an employee benefit plan covered by ERISA.

Whether or not you submit this form or receive a settlement payment, all members of the Investor Class who do not exclude themselves from the Investor Class and the settlement and anyone claiming through them are deemed to fully release the Released Claims and are forever enjoined from bringing any of the Released Claims against any of the Released Persons. The Released Persons are defined below and generally include each and all Defendants and their Related Parties. The Released Claims, also defined below, generally include all claims asserted in this Action, as well as any claims that could have been asserted in any forum by or on behalf of the members of the Classes which arise out of or are based on the allegations, transactions, facts, matters or occurrences, or alleged representations or omissions out of which the claims in the MDL arose, subject to certain limitations set forth in the settlement and below. Members of the Classes will not have the right to sue any of the Released Persons for any such claims if the settlement is approved by the Court in this matter.

IF YOU WISH TO RECEIVE YOUR SHARE OF THE FINANCIAL BENEFIT PROVIDED BY THE SETTLEMENT, YOU MUST SIGN THIS FORM ON PAGE 3, ACKNOWLEDGING THAT YOU ARE AN INVESTOR CLASS MEMBER AND THAT THE RECORD OF TRANSACTIONS THAT YOU HAVE BEEN PROVIDED IS ACCURATE AND COMPLETE AND YOU ARE BOUND BY AND SUBJECT TO THE RELEASE PROVIDED IN THE SETTLEMENT AGREEMENT. THIS ACKNOWLEDGEMENT, RECEIPT, AND RELEASE FORM MUST BE SIGNED AND RETURNED, POSTMARKED NO LATER THAN AUGUST 31, 2014.

UNLESS YOU TIMELY SUBMIT A REQUEST FOR EXCLUSION, YOU WILL BE BOUND BY ANY JUDGMENT OR ORDERS THAT ARE ENTERED IN THIS ACTION FOR ALL RELEASED CLAIMS OR CLAIMS THAT WERE OR COULD HAVE BEEN ASSERTED IN THE ACTION, REGARDLESS OF WHETHER YOU SUBMIT THIS ACKNOWLEDGEMENT FORM. SUBMITTING THIS ACKNOWLEDGEMENT FORM WILL NOT ACT TO BAR, WAIVE OR OTHERWISE AFFECT YOUR ABILITY TO OBJECT TO ALL OR ANY PART OF THE SETTLEMENT.



Definitions¹:

“Released Persons” means each and all of the Defendants, and each and all of their Related Parties.

“Investor Class” means: (a) all Persons who held an interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of December 11, 2008; and (b) all fiduciaries of employee benefit plans covered by ERISA that held an interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of December 11, 2008 (but only to the extent those fiduciaries are acting on behalf of their plans). Excluded from the Investor Class are Defendants and those Persons who timely and validly request exclusion from the Investor Class pursuant to the Notice to be provided to members of the Investor Class.

“Participant and Beneficiary Class” means all Persons (excluding Defendants) who are or were participants or beneficiaries of any employee benefit plan covered by ERISA that held an interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of December 11, 2008.

“Released Claims” shall collectively mean all claims (including “Unknown Claims” as defined herein), debts, disputes, demands, rights, actions or causes of action, liabilities, damages, losses, obligations, sums of money due, judgments, suits, amounts, matters, issues and charges of any kind whatsoever (including, but not limited to, any claims for interest, attorneys’ fees, expert or consulting fees and any other costs, expenses, amounts, or liabilities whatsoever), whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, matured or unmatured, foreseen or unforeseen, whether individual or class in nature concerning, based on, arising out of, in connection with or relating in any way to both: (1) holding an interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund; and (2) the acts, facts, statements, or omissions that were alleged or that could have been alleged by Class Representatives or any Class Member in the MDL or that otherwise would have been barred by *res judicata* had the MDL been fully litigated to a final judgment. Released Claims do not include claims to enforce this settlement.

“Unknown Claims” means all claims, demands, rights, liabilities and causes of action of every nature and description that any Class Representative or Class Member does not know or suspect to exist in his, her, or its favor at the time of the release of the Released Persons which, if known by him, her, or it, might have affected his, her or its decision to enter into this settlement and release of the Released Persons, or might have affected his, her or its decision not to object to this settlement. With respect to any and all Released Claims, the Settling Parties stipulate and agree that, upon the Effective Date, the Class Representatives shall expressly waive, and each Class Member shall be deemed to have waived, and by operation of the Judgment shall have waived, the provisions, rights and benefits of California Civil Code §1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The release of Unknown Claims, as set forth in the Stipulation, was separately bargained for and is a material element of the settlement.

Releases:

Upon the Effective Date, the Class Representatives and the Class Members shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever released, relinquished and discharged, and shall forever be enjoined from initiating, instigating, commencing, maintaining or prosecuting, any and all Released Claims against the Released Persons (including Unknown Claims), whether or not such Class Representative or Class Member executes and delivers this form.

Upon the Effective Date, each of the Released Persons shall be deemed to have, and by operation of the Judgment shall have, fully, finally and forever released, relinquished, and discharged Plaintiffs, each and all of the Class Members and Plaintiffs’ Counsel from all claims (including Unknown Claims) arising out of, relating to or in connection with the institution, prosecution, assertion, settlement, or resolution of the MDL or the Released Claims, except for claims to enforce the Stipulation.

Upon the Effective Date, the Released Persons shall obtain bar order protection permanently barring and enjoining the Class Members from initiating, instigating, commencing, maintaining, or prosecuting, any action or proceeding in any court or tribunal that asserts any Released Claim against any Released Person, or assisting any third party in the initiation, instigation, commencement, maintenance, or prosecution of any action or proceeding in any court or tribunal that asserts any Released Claim against any Released Person unless legally required to do so.

¹ These Definitions are intended to mirror the Definitions of these terms in paragraph 1 of the Settlement Agreement (the “Stipulation” or “Settlement Agreement”) dated April 10, 2014. To the extent that there is any discrepancy between the definition of a term provided in this Acknowledgement versus in the Settlement Agreement, the Settlement Agreement shall govern. Capitalized terms used in this Acknowledgement and not defined herein have the meanings assigned to them in the Settlement Agreement.

*In re Austin Capital Management, Ltd., Securities & Employee
Retirement Income Security Act (ERISA) Litigation,
Civil Action No. 09-md-02075-TPG*



<<BARCODE>> <<CLAIMID>>
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<<FCOUNTRY>>

PART I - CLAIM FORM, ACKNOWLEDGMENT, RECEIPT, AND RELEASE

IF YOU WISH TO RECEIVE YOUR SHARE OF THE BENEFIT PROVIDED FOR UNDER THE SETTLEMENT, YOU MUST COMPLETE AND RETURN THIS FORM AND RETURN IT BY MAIL POSTMARKED NO LATER THAN AUGUST 31, 2014. UNLESS YOU TIMELY SUBMIT A REQUEST FOR EXCLUSION, YOU WILL BE BOUND BY THIS SETTLEMENT, IF IT IS APPROVED BY THE COURT, REGARDLESS OF WHETHER YOU SUBMIT THIS FORM. SUBMITTING THIS FORM WILL NOT ACT TO BAR, WAIVE, OR OTHERWISE AFFECT YOUR ABILITY TO OBJECT TO ALL OR ANY PART OF THE SETTLEMENT.

PART II: CLAIMANT IDENTIFICATION

*Note: If the above information is incorrect, please put a line through the incorrect information and enter the correct information in the red boxes below. Please print legibly. **Please do NOT use red ink or pencil to complete the form.***

First Name	M.I.	Last Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Entity Name			
<input type="text"/>			
Address			
<input type="text"/>			
City	State	Zip Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Foreign Province	Foreign Postal Code	Foreign Country Name/Abbreviation	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Email Address			
<input type="text"/>			
Area code	Telephone number (Daytime)	Area code	Telephone number (Evening)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

PART III - STATEMENT - (see next page)

Enclosed with this form is a statement showing: (a) your ownership interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of approximately December 11, 2008 (calculated as the total amount of principal invested less any dividends received and/or withdrawals); and (b) the net principal of the Austin Capital Fund(s) in which you invested that was exposed to the Rye Select Broad Market Prime Fund. If you have any questions about this information, or if you believe the information about your ownership interest is incorrect, please contact Co-Lead Counsel.

FOR CLAIMS PROCESSING ONLY	OB <input type="text"/>	CB <input type="text"/>	<input type="radio"/> ATP	<input type="radio"/> BE	<input type="radio"/> FL	<input type="radio"/> OP	MM / DD / YYYY	FOR CLAIMS PROCESSING ONLY
			<input type="radio"/> KE	<input type="radio"/> DR	<input type="radio"/> ME	<input type="radio"/> RE		
			<input type="radio"/> ICI	<input type="radio"/> EM	<input type="radio"/> ND	<input type="radio"/> SH		



CLAIM FORM, ACKNOWLEDGMENT, RECEIPT, AND RELEASE (CONT.)

PART III - STATEMENT (CONT.)

The below statement shows what records indicate was your interest in the Austin Capital All Seasons Offshore Fund, the Austin Capital Safe Harbor ERISA Dedicated Fund, the Austin Capital Safe Harbor Offshore Fund, the Austin Capital Safe Harbor QP Fund, or the Austin Capital Safe Harbor Portable Alpha 1 Fund as of December 11, 2008 and (b) your net principal exposure of the Austin Capital fund in which you invested to the Rye Select Broad Market Prime Fund. If you have any questions about this information, please contact Co-Lead Counsel below.

PART IV - SIGNATURE

I, _____, on behalf of _____ ("Entity"), hereby acknowledge: (a) if I am submitting this claim on behalf of an Entity, I am authorized to sign this form on behalf of the Entity; (b) that I (or, if I am submitting this claim on behalf of an Entity, the Entity) am/is a member of the Investor Class in the matter of *In re Austin Capital Management, Ltd. Securities & Employee Retirement Income Security Act (ERISA) Litigation*; and (c) that I (or, if I am submitting this claim on behalf of an Entity, the Entity) am/is bound by and subject to the releases and all other provisions contained in the Settlement Agreement in that action.

Signature: _____ Name and Title of signer: _____

Entity: _____ Date: _____

**YOUR OWNERSHIP INTEREST IN THE AUSTIN CAPITAL FUNDS
AS OF APPROXIMATELY DECEMBER 11, 2008**

<<PRINCIPAL AMOUNT>>

**THE NET PRINCIPAL OF YOUR AUSTIN CAPITAL FUND INVESTMENT(S)
THAT WAS EXPOSED TO THE RYE SELECT BROAD MARKET PRIME FUND**

<<COLLLATERAL DEFICIENCY>>

CO-LEAD COUNSEL CONTACT INFORMATION:

ROBBINS GELLER RUDMAN & DOWD LLP
SAMUEL H. RUDMAN
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Melville, NY 11747
(800) 449-4900

HAGENS BERMAN SOBOL SHAPIRO LLP
REED R. KATHREIN
715 Hearst Avenue, Suite 202
Berkeley, CA 94710

The signed form should be sent to:

Austin Capital Management, Ltd. MDL Settlement
Claims Administrator
c/o Gilardi & Co. LLC
P.O. Box 990
Corte Madera, CA 94976-0990

