

INSTRUCTIONS FOR PROOF OF CLAIM FORM

UNITED STATES DISTRICT COURT Northern District of California – San Francisco Division

SECURITIES AND EXCHANGE COMMISSION, Plaintiff

v.
Alexander James Trabulse, Fahey Fund, L.P., Fahey Financial Group, Inc.,
International Trade & Data, and ITD Trading, Defendants

Case Number C 07-4975 (WHA)

GENERAL INFORMATION

Michael A. Grassmueck, the Monitor in the above-captioned case, has determined that there will likely be some assets to distribute to creditors and investors. The amount of funds available for distribution has not been determined; however, the Monitor believes that the best source of compensation to the investors and creditors is from the funds that the Monitor has recovered in this matter and investors and creditors are strongly encouraged to file claims using the attached form. **If your Proof of Claim is not received before February 2, 2009 at 5:00 p.m. PST, you will lose your right to receive any distributions from the Monitor and your claim will be barred.**

- 1. WHO MUST FILE A PROOF OF CLAIM FORM?** You must file a Proof of Claim form if you believe that you are owed any money by the following Defendants: Fahey Fund, L.P., Fahey Financial Group, Inc., International Trade & Data, and ITD Trading, and their subsidiaries and affiliates and any entities controlled by them (collectively referred to as the "Relief Defendants") or if you assert a claim against any other person or entity arising out of or based upon (a) any investment with, through, or in any of the Relief Defendants; (b) any interest in any of the Relief Defendants or any of their assets (c) any claim against any of the Relief Defendants or any entity under their control based on primary, secondary, direct, indirect, secured, unsecured, or contingent liabilities; or (d) any claim of any sort against any of the Relief Defendants or any entity under their control whether such claim is based upon contract, tort, contribution, indemnity, reimbursement, subrogation theories or other legal or equitable theory. Proof of Claim forms must be filed by claimants who were Investors and/or Creditors of the above-listed Relief Defendants and their affiliates and subsidiaries. If you are both an Investor and Creditor, or are an Investor with or through more than one of the Relief Defendants or affiliates or subsidiaries, file separate Proof of Claim forms for each and every claim or interest you allege to have against them or any of them. **Note that a failure to submit a signed Proof of Claim form and supporting documentation may result in the denial of your claim.**
- 2. CONSENT TO JURISDICTION OF THE COURT AND THE CONSEQUENCES THEREOF.** If you submit a Proof of Claim form in this case, you consent to the jurisdiction of United States District Court for the Northern District of California, San Francisco Division ("District Court") for all purposes, agree to be bound by its decisions, including a determination, among other things, as to the validity and amount of your claim against the Relief Defendants, affiliates, subsidiaries or other persons or entities as identified in paragraph 1. In submitting a Proof of Claim, you agree to be bound by the actions of the District Court even if that means that your claim is limited or denied. By submitting a Proof of Claim, you further agree that your participation in any distribution from the Monitor may exclude or prevent you from pursuing any other remedies.
- 3. WHERE MUST THE PROOF OF CLAIM FORM BE SENT?** The completed Proof of Claim form, along with all supporting documentation must be mailed to: Michael A. Grassmueck, Monitor, PO Box 3649, Portland, Oregon 97208. You may visit www.grassmueckgroup.com/fahey_fund.php, and obtain a copy of the Proof of Claim form and instructions.
- 4. WHEN IS THE DEADLINE TO FILE THIS PROOF OF CLAIM FORM?** The Proof of Claim form must be received by the Monitor before **February 2, 2009** at 5:00 p.m. PST. Please note that any late filed claim will be objected to and denied in its entirety.
- 5. AM I AN INVESTOR OR CREDITOR?** If you believe you have or allege you have purchased stock or bonds through the Relief Defendants or otherwise invested with, through or in the above-listed Relief Defendants or their affiliates and subsidiaries (see Paragraph 3a of the Claim for names of some of the other entities), you are an Investor. If you have performed services for the Relief Defendants, sold merchandise, loaned money, or were an employee of the above-listed Relief Defendants or their affiliates or subsidiaries, you are a Creditor. All other claimants to whom the Relief Defendants owe a debt, which debts are not based on the purchase of stocks or other investments, are also Creditors. Based on your categorization as either an Investor or Creditor, fill in the appropriate section of the attached Proof of Claim form. If you believe that you are both an Investor and a Creditor, fill out two (2) separate Proof of Claim forms. In either case, you must sign the form at line 8.
- 6. SUPPORTING DOCUMENTS.** You must attach to the Proof of Claim form copies of all documents that show that the Relief Defendants owe the debts or amounts claimed, or if the documents are lengthy, a summary of those documents. If supporting documents are not available, you must attach an explanation of why they are not available. Failure to provide such documents may result in the denial of your claim.
- 7. TAXES.** The Monitor cannot provide tax advice. You are encouraged to seek independent advice with regard to the filing of claims.
- 8. ADDITIONAL INFORMATION.** Note that additional information regarding filing the Proof of Claim form, along with additional blank forms, can be obtained at www.grassmueckgroup.com/fahey_fund.php or you may write to the Monitor at the following address: Michael A. Grassmueck, Monitor, P.O. Box 3649, Portland, Oregon 97208.

INFORMATION ON COMPLETING THE PROOF OF CLAIM FORM

1. **Information about Claimant.** Complete this section giving the name, address and telephone number of the Claimant to whom the Relief Defendants owe money or property, and any account or reference number associated with such debt.
2. **Claimant Type.** Indicate in this box whether you are an Investor or Creditor (as defined in the General Information section above). If you are both an Investor and a Creditor, please file separate Proof of Claim forms for each claim. Upon completing this box, if you have marked Investor, please proceed to box 3; if you have marked Creditor, please proceed to box 4.
3. **FOR INVESTORS ONLY.**
 - 3a. Indicate the name of the entity with, through, or in which you claim to have invested funds.
 - 3b. **Claim Amount.** State the amount you invested or paid to the Relief Defendants or their predecessors, affiliates or subsidiaries as of December 17, 2007. If said claim amount includes increases over principal invested, such as interest, attorneys fees, damages, claims or late fees, please mark the appropriate box below the claim amount and provide a detailed break-down of the claim. Also attach all documentation supporting said claim amount and the calculation of same. Also, if you allege that your claim is subject to a security interest, mark the appropriate box in this section and provide all supporting documentation evidencing the secured status of your claim.
 - 3c. **Date and Amount of Funds Invested.** Indicate in this section each time you made an investment with the applicable Relief Defendant by indicating the investment date and the investment amount. Attach additional sheets as necessary to reflect all investments.
 - 3d. **Date and Amount of any Distributions or Withdrawals.** Indicate the date of any distributions or withdrawals from the applicable Relief Defendant by indicating the date and amount of each said distribution or withdrawal. Attach additional sheets as necessary to reflect the date and amount of all transfers of money out of the applicable Relief Defendant. (Investors go to Section 5 of the Proof of Claim and complete Sections 5 – 8.)
 - 3e. Attach to your Proof of Claim, copies of all Agreements, Certificates, and any other documents you contend reflect the terms of your agreement or investment with any of the Relief Defendants.
4. **FOR CREDITORS ONLY.**
 - 4a. Indicate the basis of your claim in this section.
 - 4b. Entity/Person with whom claim was incurred: Identify the person or entity you believe owes you the money.
 - 4c. **Date the Claim was Incurred.** Indicate the date on which the amount you allege to be owed arose.
 - 4d. **Pending Legal Action.** If you have commenced a legal action against any of the Relief Defendants, provide the details of said legal action here. Attach any additional pages of description and supporting documentation. Also, please provide any information regarding court judgments obtained against any of the above-captioned defendants.
 - 4e. **Total Claim Amount as of December 17, 2007.** State your claim amount of December 17, 2007. Also, mark the applicable box if you contend your claim is subject to a security interest, and attach copies of all security agreements and other documents that evidence the claim of secured status. Mark the applicable box if your claim amount includes interest or other charges, such as attorneys fees, lost profits, or late fees in addition to the principal amount of your claim, and attach an itemized statement of all such additional charges.
5. **Supporting Documentation.** Note that in addition to filling out the Proof of Claim form, you should provide supporting documentation evidencing your claim. Supporting documentation may include documents such as canceled checks, bank statements, account ledgers, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, or evidence of perfection of liens. Furthermore, feel free to provide any additional pages of explanation or narrative discussing your claim and claim amount.
6. **Acknowledgement of Filing.** To receive an acknowledgement of the filing of your Proof of Claim form, enclose an additional copy of the Proof of Claim form, along with a self-addressed, stamped envelope when filing the original form.
7. **Date.** Insert the date on which you completed and signed the Proof of Claim form.
8. **Signature.** Sign the Proof of Claim form and indicate your title, if applicable.