

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

SECURITIES AND EXCHANGE COMMISSION V.
CHARLES O. MORGAN, JR., AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF FREDERICK J. KUNEN

CASE NO: 07-22204-CIV-GOLD/TURNOFF

COURT-ORDERED LEGAL NOTICE

IF YOU INVESTED IN THE OPTIONS INDEX TRADING STRATEGY OFFERED BY FREDERICK J. KUNEN, D.T. CAPITAL, TERRY PROVENCE, CMW, OR CMHI (THE "KUNEN INVESTMENT SCHEME") DURING THE PERIOD OF DECEMBER 1, 2006 TO SEPTEMBER 1, 2007 ("THE KUNEN FRAUD PERIOD") YOU MAY BE ENTITLED TO RECEIVE A PAYMENT FROM FUNDS RECOVERED.

On July 7, 2008, the Court approved a Distribution Plan to distribute disgorgement and civil penalty amounts received from Frederick J. Kunen (deceased), Terry E. Provence, DT Capital LLC, and other related sources to proper claimants. If you invested in the Kunen Investment Scheme during the Kunen Fraud Period, you may be eligible to receive benefits from the *Kunen Fraud Recovery Fund*. If you qualify, you may send in a Proof of Claim Form to obtain benefits.

How was the *Kunen Fraud Recovery Fund* created?

The *Kunen Fraud Recovery Fund* was created as a result of the Securities and Exchange Commission's successful enforcement action against Frederick J. Kunen (deceased),

Terry E. Provence and DT Capital LLC, and the Receiver's action against certain other defendants. The Commission's action asserted that the defendants willfully used schemes to defraud investors by promoting a fraudulent options investment scheme and making untrue statements of guaranteed return, low risk, long historical performance, and other misrepresentations that enticed primarily inexperienced investors to turn over money to the Kunen Investment Scheme. The Court appointed a receiver to marshal and safeguard investor assets to the extent that they could be located and recovered, and the amounts recovered including interest have been deposited into a Court-approved receivership account, the proceeds of which will be distributed to Eligible Claimants pursuant to the Court-approved Distribution Plan.

Who is eligible for a recovery from the *Kunen Fraud Recovery Fund*?

The Potentially Eligible Claimants include all persons or entities that *invested in the Kunen Investment Scheme during the Kunen Fraud Period who have not already recovered their investments or who were involved in the scheme.*

You are not entitled to a recovery from the *Kunen Fraud Recovery Fund* if you already have received a return of your investment equal to or in excess of the amount invested by you. In short, to be eligible, you must have incurred an aggregate net loss from your combined investments in the Kunen Investment Scheme during the Kunen Fraud Period.

How Do You Submit a Claim?

The Proof of Claim form package contains all of the information you need. You will find copies of the Proof of Claim form package and additional information about the *Kunen Fraud Recovery Fund* on the website www.KunenReceivership.com. You may also obtain information regarding the claim process by calling the Receiver, Scott M. Dimond, at 305-374-1920 or you may submit questions by mail to the Receiver, Scott M. Dimond, Esq., Dimond Kaplan & Rothstein, P.A., 2665 South Bayshore Drive, Miami, FL 33133, or via e-mail at SDimond@dkrpa.com.