

**PROOF OF CLAIM**

SECURITIES AND EXCHANGE COMMISSION v. TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, Defendants; Relief Defendants DANIEL J. MERRIMAN, FINANCIAL MD, INC., FINANCIAL MD AND ASSOCIATES, DJM, INC., THOMAS AVERY, NGA WING LAU aka ADRIENNE LAU,  
U.S. District Court, For the Central District of California, Southern Division, Case No. ED CV 05-0351 (AG).

**LAST DAY TO FILE PROOF OF CLAIM WITH DISTRIBUTION AGENT:**

**MARCH 31, 2012**

PLEASE COMPLETE, SIGN AND RETURN THIS FORM WITH SUPPORTING DOCUMENTATION IMMEDIATELY TO:

**RICHARD WEISSMAN, ESQ.  
RECEIVER  
12121 WILSHIRE BLVD., SUITE 600  
LOS ANGELES, CA 90025-1188**

The undersigned hereby submits the following claim against TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, Defendants; Relief Defendants DANIEL J. MERRIMAN, FINANCIAL MD, INC., FINANCIAL MD AND ASSOCIATES, DJM, INC., LA VIE D'ARGENT, THOMAS AVERY, AND ADRIENNE LAU (collectively "Tri Energy"):

**1. NAME(S) AND ADDRESS OF CLAIMANT(S):**

Name(s) of Company or Individual:

\_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

Address at time of Investment (if different from current address): \_\_\_\_\_

\_\_\_\_\_

Telephone No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**2. THIS CLAIM IS BASED ON MY STATUS AS A LENDER TO, OR INVESTOR IN LOAN PARTICIPATION AGREEMENTS OR CERTIFICATES ISSUED BY TRI ENERGY (ET AL.) BETWEEN JANUARY 1, 2003 THROUGH MAY 3, 2005.**

**3. AMOUNT OF CLAIM: \$ \_\_\_\_\_ (Principal Only)**  
(Provide copies of Canceled checks, Wired funds receipts, bank statements, brokerage account statements, etc.)

**4. AMOUNT RECEIVED FROM TRI ENERGY, et al., IF ANY: \$ \_\_\_\_\_**

5. I acknowledge and remit to the jurisdiction of the United States District Court ("the Court") that is administering this action, and agree that my claim shall be adjudicated, determined and paid as ordered by the Court. I further consent to, and understand that the Court will determine (a) my right to any money from the above-named defendants, if any is available, (b) the priority of the claim(s), if any, (c) the scheduling and allocating of the assets to be distributed, and (d) that all objections and disputes to the allowance of my claim by the Receiver shall be submitted to and the subject of further review by the Court for a final ruling thereon, upon federal motion practice for hearing, sitting without a jury.

**6. I have not sold, assigned, transferred, hypothecated or in any way conveyed my interest in or my claim against**

TRI ENERGY, or any portion thereof. I further agree not to sell, convey, assign, transfer or hypothecate hereafter, prior to the date(s) of distribution, my interest in my claim against TRI ENERGY, in any manner. In the event my interest is transferred hereafter prior to the date(s) of distribution, except by operation of law, I agree that any such assignment or transfer shall be deemed null and void and unenforceable by any successor third party as between the undersigned, on the one hand, and TRI ENERGY, the Receiver and the Court, on the other hand.

7. I further understand and agree that: (a) a disbursement check will be made payable jointly to me and to each of my co-claimants named herein below, if any; (b) it will be our individual and collective responsibility for the check's deposit and collection en gross and later division between us, if any; (c) that the Agent will not prorate the amount due me or to us under separate checks; and (d) my correct Social Security Number (SSN) or Federal Employer Identification Number (FEIN) or other Tax Identification Number (TIN) is set forth adjacent to my signature below.

8. I represent that I am not now and have never been affiliated with TRI ENERGY, INC., MARINA INVESTORS GROUP, INC. ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, THOMAS AVERY, LA VIE D'ARGENT, DANIEL J. MERRIMAN, FINANCIAL MD, MILLIE STULTZ, WING NA LAU AKA ADRIENNE LAU, RPJ INVESTMENTS, H&J ENERGY, et al., as a principal, employee, sales agent or solicitor, independent contractor, or relative.

9. I represent that I have not received from or on behalf of TRI ENERGY, or any of the above-named persons against whom this claim is filed, any distribution of money or money equivalent, except as set forth in section 4, above.

**10. TAX BACKUP WITHHOLDING CERTIFICATION**

A. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

B. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and

C. I am a U.S. citizen or other U.S. person.

You must cross out item B above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed on : \_\_\_\_\_ , 201\_ at \_\_\_\_\_ (City or Town) \_\_\_\_\_ (State, Zip Code)

**NO PROOF OF CLAIM SHOULD BE FILED WITH THE COURT.**

**Delivery of an envelope with an originally signed and fully completed Proof of Claim to Richard Weissman, Receiver of TRI ENERGY, et al., postmarked on or before March 31, 2012, shall constitute Claimant's "timely filing" of the Proof of Claim. \*\*\*\***

_____ PRINT (FULL NAME)	_____ CLAIMANT SIGNATURE	_____ SSN / FEIN/TIN
_____ PRINT (FULL NAME)	_____ CLAIMANT SIGNATURE	_____ SSN / FEIN/TIN
_____ PRINT (FULL NAME)	_____ CLAIMANT SIGNATURE	_____ SSN / FEIN/TIN

\_\_\_\_\_  
NAME, ADDRESS AND ACCOUNT NUMBER FOR CURRENT IRA/PENSION ACCOUNT(S)

\*\*\*\*To receive an acknowledgment from the Receiver of his receipt of your Proof of Claim, you must provide him with a duplicate of the original Proof of Claim and a self-addressed, postage prepaid envelope. The Receiver will mark the duplicate Proof of Claim "Received" with a date stamp and return it to you for your records. It is recommended that you mail your Proof of Claim to the Receiver by certified mail, return receipt requested to best assure its delivery.