## Dear Depositor:

You are receiving this letter and the attached Notice because you have a burial agreement with a funeral home. When you entered into that burial agreement, your money was placed with the Wisconsin Funeral Trust, which is now known as the WFT Liquidating Trust.

As you may know, in September 2012, the Dane County Circuit Court appointed me as Receiver for the Trust because of a deficit in the Trust that was discovered by the Wisconsin Department of Financial Institutions. My job as court-appointed receiver is to manage the Trust's funds and to investigate and try to recover the funds that were lost.

Last year, I entered into an agreement with your funeral home that will ensure that you will receive all the benefits you were promised when you made your payment.

In investigating the Trust's problems, I discovered that, beginning in 2008, the Trust began applying an interest rate to your account and the accounts of all other depositors at an artificially high rate. This practice resulted in an over-crediting of approximately \$1.83 million.

In an effort to fairly and accurately fulfill the obligations in the burial agreements, I have asked the Court to retroactively lower the interest rates to the rates that should have been used. You will receive the rate the Trust promised: 1% over the Wisconsin average three-year CD rate.

In order to make this correction, I need to obtain the approval of the Court. Please review the enclosed Notice.

## <u>Please note that you do not have to do anything or attend the hearing unless</u> you object to the proposal.

If you have questions, or want to review the formal request that I am making to the Court, please visit the Trust's website at <u>wisconsinfuneraltrust.org</u>. Beyond that, I encourage you to reach out to your funeral home or your lawyer, as they are the best people to answer your specific questions.

Sincerely,

John Wirth

Receiver for the Trust

Enclosure

In re WFT LIQUIDATING TRUST (formerly Wisconsin Funeral Trust),

Case No. 12-CX-44

Receivership.

## NOTICE TO DEPOSITORS

YOU ARE NOT REQUIRED TO DO ANYTHING IF YOU DO NOT OBJECT TO THE RECEIVER'S PROPOSAL SET FORTH BELOW. HOWEVER, IF YOU OBJECT TO THE PROPOSAL, OR YOU WANT THE COURT TO HEAR AND CONSIDER YOUR VIEW ON THE PROPOSAL, THEN YOU OR YOUR ATTORNEY MUST APPEAR AT THE HEARING ON SEPTEMBER 25, 2014.

On September 14, 2012, the Dane County Circuit Court appointed John M. Wirth as receiver for the Wisconsin Funeral Trust, now known as the WFT Liquidating Trust (the "Trust"). Prior to Mr. Wirth's appointment, you entered into a burial agreement with a funeral home, and the money you paid for your burial agreement was deposited in the Trust.

When the Trust solicited your business, it guaranteed that your deposit would bear interest at 1% over the Wisconsin average 3-year CD rate, and that the Trust would adjust your interest rate every 6-months to reflect the ever-changing average.

The Trust followed this practice until 2008. Starting in 2008, and continuing through the appointment of Mr. Wirth, the Trust stopped crediting your account at 1% over the Wisconsin average 3-year CD rate. Instead, the Trust used an artificial numbers that were not based on the Wisconsin average 3-year CD rate.

The Trust's decision to use an artificially high interest rate resulted in an over-crediting of approximately \$1.83 million to the Trust, and funeral homes have become liable for this over-stated benefit to the Trust.

In an effort to fairly and accurately fulfill the obligations contained in your burial agreement, Mr. Wirth has proposed to retroactively apply the proper interest rate to all current accounts in the Trust. This proposal involves changing the artificial interest rates established by the Trust to the historically accurate and justifiable interest rates. By retroactively applying the correct interest rates, you will receive exactly what you were promised under your burial agreement. The interest rate corrections will also provide a savings of approximately \$1.45 million for the Trust.

This will affect your account balance. Mr. Wirth calculates that, after applying the correct interest rates, your account will equal approximately 97% of its current balance.

If you receive Forms 1099 from the Trust each year for tax reporting purposes, the interest reported on your Form 1099 will be reduced going forward so that you receive the tax benefit of this adjustment.

On September 25, 2014 at 1:30 p.m., Judge Peter Anderson will hold a hearing in his courtroom at the Dane County Courthouse, Room 6103, 215 South Hamilton Street, Madison, Wisconsin to consider Mr. Wirth's proposed solution. You are not required to appear if you do not object to the proposed solution. However, if you disagree with Mr. Wirth's solution, or you want the Court to hear and consider your views on the solution, then you or your attorney must appear at the hearing.

Mr. Wirth's proposed solution will not be applied to your account unless the Court approves it.

You can review the court papers asking for approval of Mr. Wirth's proposal at:

https://wisconsinfuneraltrust.files.wordpress.com/2013/11/crediting-rate-motion-00381257.pdf.

The Wisconsin Department of Financial Institutions, represented by the Wisconsin Department of Justice, approves Mr. Wirth's proposal and will request that the Court approve it.

Mr. Wirth, in working for the best interests of depositors and all other people involved in the Trust, believes that the Court should approve his proposed solution.

Answers to your questions about Mr. Wirth's proposed solution can be found at <a href="https://www.wisconsinfuneraltrust.org">www.wisconsinfuneraltrust.org</a>. Otherwise, email us at WirthFuneralReceiver@gmail.com or call us at 855-947-9900. We cannot provide legal advice. If you require legal advice, please consult your lawyer.

Dated September 5, 2014.

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MALLERY & ZIMMERMAN, S.C. Attorneys for John M. Wirth, Receiver

By:

Michael A. Marx State Bar No. 1057107

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