



Service address:

**RiverSource Life Insurance Co. of New York**  
70500 Ameriprise Financial Center Minneapolis, MN 55474



# Outgoing Annuity Tax-Qualified Transfer Exchange, Conversion or Direct Rollover from RiverSource Life Insurance Co. of New York

Account Number  
\_\_\_\_\_  
\_\_\_\_\_

- Use this form to move assets from RiverSource Life Insurance Co. of New York (RiverSource Life of NY) to another company.
- Use one form for each transfer, exchange, conversion or rollover requested.
- This form may be mailed to the address above. For requests at or below \$100,000, you may also fax this form to 1.866.432.9267.
- To transfer or roll over 401(a) plan assets, use Form 402106.
- To exchange non-qualified contracts, use Form 138066.

- The distribution options available to you may be restricted by your employer's 403 (b) plan provisions. See your Plan Administrator or Summary Plan Description for further information.
- Consult your tax advisor regarding possible tax consequences as a result of this transaction.
- Client Disclosure Pages 6-8, "Special Tax Notice for Plan Distributions" must be retained by the client. Do not submit to RiverSource Life of NY.

For *RiverSource®* annuities held inside a brokerage account, enter 142 for the administration code. For all other products, enter 005.

## Part 1 RiverSource Life of NY Account You Are Moving Assets From

Owner Name  
\_\_\_\_\_

Plan Type:

Traditional IRA (including Rollover and SEP)     Roth Contributory IRA     Simple IRA

Tax-Sheltered Annuity (TSA)     Roth Conversion IRA     Inherited (Beneficial) IRA

Amount to be moved:

Full (100%)     Specific Amount \$ \_\_\_\_\_

Withdraw total free amount without incurring surrender charges     Withdraw 10% free amount

## Part 2 Account You Are Moving Assets To

Company Name  
\_\_\_\_\_

Advisor/Agent Name  
\_\_\_\_\_

Owner Name  
\_\_\_\_\_

Product Name  
\_\_\_\_\_

Policy/Contract Number  
\_\_\_\_\_

*Account You Are Moving Assets To continued on next page...*

Only RiverSource Life Insurance Co. of New York is authorized to sell insurance and annuities in New York.

Sign on Page(s) 4, 5

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**Account You Are Moving Assets To** continued

## Product Type

- Fixed Annuity       Variable Annuity       Market Value Annuity       Fixed Index Annuity       Immediate Annuity  
 Mutual Fund       CD       Brokerage       Other

If product is an annuity, select one:

- New Contract       Existing Contract (annuities active for 13 months or more)

\*A 'New Contract' includes annuities that have been active for less than 13 months.

## Plan Type:

- Traditional IRA (including Rollover and SEP)       Inherited (Beneficial) IRA       Tax-Sheltered Annuity (TSA)  
 Roth IRA       457       Tax-Sheltered Custodial Account (TSCA)  
 Simple IRA       401(a)       Other

**Delivery Instructions**

Make check payable to:

Mail check to:

Address

City

State

ZIP code

**Part 3 Plan Sponsor Information**

**Please complete the Plan Sponsor section below.** If you are currently retired, unemployed, or working for an employer who does not sponsor a 403(b) program, your 403(b) account is deemed associated with your most recent employer who sponsored the 403(b) arrangement.

Name of Plan Sponsor

Employer Identification Number (EIN) (Required)

Mailing Address (Required)

Phone Number

City

State

ZIP code

**Part 4 Withholding Instructions****Direct Conversion from TSA to a Roth IRA**

A direct conversion from a TSA to a Roth IRA results in income tax being due on the taxable portion of the transaction. Please see the Special Tax Notice for Plan Distributions. You should consult with a tax advisor prior to requesting this transaction. There will be no withholding on this request unless you elect withholding below.

**Direct Conversion from a Traditional, SEP or SIMPLE IRA to a Roth IRA**

- If taxes are withheld from this distribution, the net conversion amount will be the gross amount requested - (minus) the tax withholding.
- If your annuity contract is subject to contractual surrender charges and you elect withholding, surrender charges will apply to the amount withheld.
- **Federal Withholding:** You are liable for federal income tax on the taxable portion of your distribution. If total withholding is not adequate, you may be subject to estimated tax payments and/or penalties.
- **State Withholding:** Withholding rules vary by state. Clients may have the option to: (1) opt-out withholding, (2) elect default state tax withholding, or (3) increase the rate of withholding. Depending on the state, state tax withholding could be mandatory, optional, unavailable, or the client may need to complete a state-specific form. For state tax withholding rules, go to [riversource.com/statetax](http://riversource.com/statetax).
- Please note that taxes withheld per your elections or in accordance with state rules will not be refunded.
- Different withholding rules apply in certain situations: If we do not have a valid Taxpayer Identification Number on the account, if the payment is delivered outside the United States or if you are a non-resident.
- Please consult your tax professional for additional information regarding federal and/or state withholding.

*Withholding Instructions continued on next page...*

**Withholding Instructions** continued**Federal Withholding**

If you are under 59 ½ and your withdrawal includes taxable income, an IRS early withdrawal penalty may apply.

- 10% federal income tax will be withheld from the withdrawal amount unless you make a different withholding election below.

Do not withhold federal tax     Withhold 10% federal tax     Withhold  % federal tax - *must be more than 10%*

**State Withholding**

- If you do not indicate an election, we will generally follow your choice for federal election unless your state does not allow.
- No state tax withholding will be taken for states where withholding is not available.
- The taxpayer's resident state on file is the state we use for state tax withholding.

Do not withhold state tax     Withhold default state tax     Withhold  % state tax

**Part 5 Acknowledgements and Signatures**

By signing below, I acknowledge and accept the following conditions:

**General**

- I affirm that I am the owner or beneficiary of the listed RiverSource Life of NY contract and I authorize this transaction.
- I acknowledge that appropriate state replacement forms have been sent or are attached to this form, if applicable.
- I hold RiverSource Life of NY harmless from any income or excise tax liability, including penalties and interest, as a result of this transaction.
- RiverSource Life of NY does not transfer outstanding loan balances on life insurance products. If there is an outstanding loan, it will be surrendered first, then the balance of the funds will be transferred to the company named in Part 2. I understand the surrender of the loan may create adverse tax consequences.
- I have taken the required minimum distribution, if any, pursuant to Internal Revenue Code Section 401(a)(9) and related federal tax rules.
- I am not rolling over any after-tax contributions.
- If this is a direct rollover, any applicable Required Minimum Distribution requirements have been satisfied prior to this direct rollover.

**Funds**

- I acknowledge that the expenses of the underlying funds may differ.
- I acknowledge that past performance history used in sales literature does not necessarily reflect future performance.

**Charges**

- I acknowledge that surrender charges may be imposed on the account value of my annuity contract prior to this transaction and that it may not be in my best interest to begin a new surrender charge schedule.
- I acknowledge that a market value adjustment may apply to the amount withdrawn from my annuity contract.

**Expenses**

- I understand that the ongoing mortality expense, administrative and annual contract charges under a new contract may differ.
- I understand that the fees for the contract features such as guarantees, death benefits and partial withdrawal may differ.

**Roth Conversion only**

- I understand that by converting my account to a Roth IRA, I will owe income tax on all pre-tax assets converted. The decision of whether to convert my account to a Roth IRA was made in light of all relevant financial information and in conjunction with my professional tax advisor(s).

**Annuity Contracts With a Guaranteed Withdrawal Benefit Rider (Partial Withdrawals Only)**

- If your annuity has a withdrawal benefit rider with the Base Doubler feature, any withdrawal taken (including Required Minimum Distributions) before the Base Doubler date will permanently set the Base Doubler value to \$0.
- If you have a variable annuity with the *SecureSource*<sup>®</sup>, *SecureSource*<sup>®</sup> Flex, or *SecureSource Stages NY*<sup>®</sup> rider, and are invested in the Portfolio Navigator Aggressive or Moderately Aggressive fund, taking this withdrawal will move the contract into the Moderate fund. Once you take a withdrawal you may invest in the Portfolio Navigator Conservative, Moderately Conservative, or Moderate fund without affecting your guaranteed benefit values. If you take this withdrawal and later choose to move to one of the more aggressive Portfolio Navigator funds, your guaranteed benefit values will be reset based on the lesser of your contract values or your guarantees at that time. You also have the option to transfer to any Portfolio Stabilizer fund. You can invest in any Portfolio Stabilizer fund while taking withdrawals without impacting your guaranteed benefit values. **It's important to note that if you transfer to one or more Portfolio Stabilizer fund(s), you will not be able to transfer back to any of the Portfolio Navigator funds.**
- **If you have an annuity with a guaranteed withdrawal benefit rider and you take a withdrawal that is higher than the maximum guaranteed amount, it is considered an "excess withdrawal." An excess withdrawal could permanently decrease your guaranteed income and benefit values.** If you would like to make a withdrawal and are uncertain of whether it would be considered an excess withdrawal or would like to see how an excess withdrawal will impact your future guaranteed income and benefit values, please call a Client Service Representative at 1-800-541-2251 to request a personalized calculation showing the effect of the withdrawal prior to submitting this request. If you do not contact us prior to submitting this form and the amount you have requested will result in an excess withdrawal, we will require that you complete the "Benefit Impact Acknowledgement Form" before processing can occur.

**TSA Contracts only**

- RiverSource Life of NY does not transfer, exchange or rollover outstanding loan TSA loan balances. If there is an outstanding TSA loan balance, the loan will be surrendered; then any remaining funds will be transferred/rolled over to the company named in Part 2. The surrender of the loan could create adverse tax consequences.
- RiverSource Life of NY requires full loan repayments to be at least 10 days old prior to a transfer or a rollover of the full account value. If this request is received within 10 days of a full loan repayment, the request will be processed on the date the loan repayment is 10 days old.
- Distribution options available may be restricted by the applicable employer's 403(b) plan provisions. The Plan Administrator or Summary Plan Description are sources for further information.

*Acknowledgements and Signatures continued on next page...*



### Acknowledgements and Signatures continued

- **Contract Exchanges:** This transaction is intended to qualify as a contract exchange. A contract exchange occurs when an employee changes from one 403(b) investment option allowed under the plan to another investment option in the same plan.
- **Plan to Plan Transfers:** This transaction is intended to qualify as a plan to plan transfer. A plan to plan transfer occurs when an employee moves all or a portion of their 403(b) account from one employer's plan into investment products offered by a different employer's 403(b) plan. No tax reporting is required on a Contract Transfer.
- **Information Sharing Agreement:** An agreement between the employer and the vendor allowing the exchange of information to ensure compliance with 403(b), including but not limited to information regarding the participant's employment status, hardship withdrawals, and plan loans.

• Direct Rollover or Conversion

- I have read the "Special Tax Notice for Plan Distributions" and I understand that I have the right to consider the decision of whether or not to consent to a distribution and/or to elect a direct rollover for at least 30 days. I further understand that if I submit a completed distribution form before this 30 day period expires, I will have waived these rights and processing of my request will begin upon receipt. I met the following triggering events as specified in the Technical and Miscellaneous Revenue Act of 1988 (check all that apply):

- I have attained age 59½ by the date of this request.
- I am the surviving spouse beneficiary of the deceased annuitant and the Successor Fiduciary account is part of an eligible retirement plan.
- I have severed employment (including retirement) with the employer who purchased the contract.

Severance Date (MMDDYYYY)  Were you or will you be age 55 in the calendar year you severed employment?  
 Yes  No

I certify that I am aware of the rules and requirements regarding 403(b) account transfers and exchanges, and have had the opportunity to consult with my personal tax Advisor regarding this transaction. I further acknowledge that I may need to request that my employer enter into an information sharing agreement or other necessary documentation with the Company named in Part 2 in order to maintain the tax-qualified status of my 403(b) account.

Owner Name  Application State (i.e., NY)  Owner Phone Number

Owner Signature  Date (MMDDYYYY) (Required)

**X**

Consent of spouse is required for distributions from 403(b) plans that are subject to ERISA. If you are unsure if your plan is subject to ERISA (and consequently spousal consent requirements) check with your plan sponsor. (Usually your employer).

Generally:

- 403(b) plans sponsored by a governmental entity such as a public school or university are not subject to ERISA.
- 403(b) plans sponsored by a church or qualified church controlled organization are generally not subject to ERISA, however some exceptions may apply.
- 403(b) plans sponsored by a 501(c)(3) (non-profit) organization may be subject to ERISA depending on the design and operation of the plan.

The spouse's signature must be witnessed by either the Plan Sponsor/Administrator or a Notary Public.

For governmental and ERISA plans, the requested transaction has been approved and meets applicable legal requirements; OR for 501(c)(3) non-ERISA plans, the Plan Sponsor or Third Party Administrator represents that the participant had a termination of employment if Part 5 indicates that the distribution is based on severance of employment.

I acknowledge and approve the requested transaction.

For ERISA Plans, with the authority to act on behalf of the Plan, I certify that the participant's spouse  personally appeared before me with evidence to be the person whose name is named below and executed the foregoing document voluntarily.

Plan Sponsor/Third Party Administrator Name

Plan Sponsor/Third Party Administrator Entity Name

Plan Sponsor/Third Party Administrator Signature  Date (MMDDYYYY)

**X**

Spousal Consent (Required for 403(b) plans subject to ERISA)

The spouse's signature must be witnessed by either the Plan Sponsor/Administrator or a Notary Public.

Owner's marital status:  Single  Married  Widowed  Divorced

I understand that, as the owner's spouse, I have certain rights concerning his or her benefits, including the right to receive any death benefits unless I consent to another disposition. I hereby consent to the above requested withdrawal and I acknowledge that this consent will have the effect of waiving any and all rights concerning this withdrawal.

Spouse Name  Spouse Social Security Number

Spouse Signature  Signed Date (MMDDYYYY)

**X**



**Part 6 Notarization**

**!** Spousal consent is required for 403(b) plans subject to ERISA and the signature must be witnessed by either the plan sponsor/administrator or a notary.

I certify that \_\_\_\_\_ personally appeared before me with satisfactory evidence to be the person whose name is subscribed within the instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument executed the instrument.

I certify under PENALTY OF PERJURY under laws of the State of \_\_\_\_\_, Country of \_\_\_\_\_ that the foregoing paragraph is true and correct.

WITNESS my hand and official Seal:

Notary Name

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Notary

Sign Date (MMDDYYYY)

**X** \_\_\_\_\_

Notary Commission Number

\_\_\_\_\_

Notary Commission expiration Date (mm/dd/yyyy)

\_\_\_\_\_

Notary Seal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_

**Part 7 Letter of Acceptance and Surrender Request (Completed by corporate officer of company referenced in Part 2)**

By signature of an authorized officer below, the company named in Part 2 accepts assignment of the above-referenced policy for the purpose of complying with the client's intention of effecting either an IRA rollover of qualified funds, direct conversion of qualified funds to a Roth IRA, or a direct transfer of qualified funds.

**For 403(b) Exchanges or Transfers**

By signature below, I acknowledge that the Company named in Part 2 is (i) an approved investment provider for the 403(b) plan sponsored by the Plan Sponsor identified in Part 3 or (ii) has entered into an information sharing agreement with the named Plan Sponsor.

Corporate Officer Signature

Date (MMDDYYYY)

**X** \_\_\_\_\_

Title

\_\_\_\_\_  
\_\_\_\_\_

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## **SPECIAL TAX NOTICE FOR PLAN DISTRIBUTIONS**

### For Payments Not From a Designated Roth Account

#### **YOUR ROLLOVER OPTIONS**

You are receiving this notice because all or a portion of a payment you are receiving from the 403(b) annuity or custodial account relating to your employer's plan (the "Plan") is eligible to be rolled over to an IRA or an employer plan. This notice is intended to help you decide whether to do such a rollover.

This notice describes the rollover rules that apply to payments from the Plan that are not from a designated Roth account (a type of account with special tax rules in some employer plans). If you also receive a payment from a designated Roth account in the Plan, you will be provided a different notice for that payment, and the Plan administrator or the payor will tell you the amount that is being paid from each account.

Rules that apply to most payments from a plan are described in the "General Information About Rollovers" section. Special rules that only apply in certain circumstances are described in the "Special Rules and Options" section.

#### **GENERAL INFORMATION ABOUT ROLLOVERS**

##### **How can a rollover affect my taxes?**

You will be taxed on a payment from the Plan if you do not roll it over. If you are under age 59½ and do not do a rollover, you will also have to pay a 10% additional income tax on early distributions (generally, distributions made before age 59½), unless an exception applies. However, if you do a rollover, you will not have to pay tax until you receive payments later and the 10% additional income tax will not apply if those payments are made after you are age 59½ (or if an exception applies).

##### **What types of retirement accounts and plans may accept my rollover?**

You may roll over the payment to either an IRA (an individual retirement account or individual retirement annuity) or an employer plan (a tax-qualified plan, section 403(b) plan, or governmental section 457(b) plan) that will accept the rollover. The rules of the IRA or employer plan that holds the rollover will determine your investment options, fees, and rights to payment from the IRA or employer plan (for example, no spousal consent rules apply to IRAs and IRAs may not provide loans). Further, the amount rolled over will become subject to the tax rules that apply to the IRA or employer plan.

##### **How do I do a rollover?**

There are two ways to do a rollover. You can do either a direct rollover or a 60-day rollover.

If you do a direct rollover, the Plan will make the payment directly to your IRA or an employer plan. You should contact the IRA sponsor or the administrator of the employer plan for information on how to do a direct rollover.

If you do not do a direct rollover, you may still do a rollover by making a deposit into an IRA or eligible employer plan that will accept it. Generally, you will have 60 days after you receive the payment to make the deposit. If you do not do a direct rollover, the Plan is required to withhold 20% of the payment for federal income taxes (up to the amount of cash and property received other than employer stock). This means that, in order to roll over the entire payment in a 60-day rollover, you must use other funds to make up for the 20% withheld. If you do not roll over the entire amount of the payment, the portion not rolled over will be taxed and will be subject to the 10% additional income tax on early distributions if you are under age 59½ (unless an exception applies).

##### **How much may I roll over?**

If you wish to do a rollover, you may roll over all or part of the amount eligible for rollover. Any payment from the Plan is eligible for rollover, except:

- Certain payments spread over a period of at least 10 years or over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary);
- Required minimum distributions after age 70½ (or after death);
- Hardship distributions;
- ESOP dividends;
- Corrective distributions of contributions that exceed tax law limitations;
- Loans treated as deemed distributions (for example, loans in default due to missed payments before your employment ends);
- Cost of life insurance paid by the Plan;
- Payments of certain automatic enrollment contributions requested to be withdrawn within 90 days of the first contribution; and
- Amounts treated as distributed because of a prohibited allocation of S corporation stock under an ESOP (also, there will generally be adverse tax consequences if you roll over a distribution of S corporation stock to an IRA).

The Plan administrator or the payor can tell you what portion of a payment is eligible for rollover.

##### **If I don't do a rollover, will I have to pay the 10% additional income tax on early distributions?**

If you are under age 59½, you will have to pay the 10% additional income tax on early distributions for any payment from the Plan (including amounts withheld for income tax) that you do not roll over, unless one of the exceptions listed below applies. This tax applies to the part of the distribution that you must include in income and is in addition to the regular income tax on the payment not rolled over.

The 10% additional income tax does not apply to the following payments from the Plan:

- Payments made after you separate from service if you will be at least age 55 in the year of the separation;
- Payments that start after you separate from service if paid at least annually in equal or close to equal amounts over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary);
- Payments from a governmental plan made after you separate from service if you are a qualified public safety employee and you will be at least age 50 in the year of the separation;
- Payments made due to disability;
- Payments after your death;
- Payments of ESOP dividends;
- Corrective distributions of contributions that exceed tax law limitations;

Do not send to Home Office

- Cost of life insurance paid by the Plan;
- Payments made directly to the government to satisfy a federal tax levy;
- Payments made under a qualified domestic relations order (QDRO);
- Payments up to the amount of your deductible medical expenses (without regard to whether you itemize deductions for the taxable year);
- Certain payments made while you are on active duty if you were a member of a reserve component called to duty after September 11, 2001 for more than 179 days;
- Payments of certain automatic enrollment contributions requested to be withdrawn within 90 days of the first contribution;
- Payments for certain distributions relating to certain federally declared disasters; and
- Phased retirement payments made to federal employees.

#### **If I do a rollover to an IRA, will the 10% additional income tax apply to early distributions from the IRA?**

If you receive a payment from an IRA when you are under age 59½, you will have to pay the 10% additional income tax on early distributions on the part of the distribution that you must include in income, unless an exception applies. In general, the exceptions to the 10% additional income tax for early distributions from an IRA are the same as the exceptions listed above for early distributions from a plan. However, there are a few differences for payments from an IRA, including:

- The exception for payments made after you separate from service if you will be at least age 55 in the year of the separation (or age 50 for qualified public safety employees) does not apply.
- The exception for qualified domestic relations orders (QDROs) does not apply (although a special rule applies under which, as part of a divorce or separation agreement, a tax-free transfer may be made directly to an IRA of a spouse or former spouse).
- The exception for payments made at least annually in equal or close to equal amounts over a specified period applies without regard to whether you have had a separation from service.
- There are additional exceptions for (1) payments for qualified higher education expenses, (2) payments up to \$10,000 used in a qualified first-time home purchase, and (3) payments for health insurance premiums after you have received unemployment compensation for 12 consecutive weeks (or would have been eligible to receive unemployment compensation but for self-employed status).

#### **Will I owe State income taxes?**

This notice does not describe any State or local income tax rules (including withholding rules).

## **SPECIAL RULES AND OPTIONS**

#### **If your payment includes after-tax contributions**

After-tax contributions included in a payment are not taxed. If a payment is only part of your benefit, an allocable portion of your after-tax contributions is included in the payment, so you cannot take a payment of only after-tax contributions. However, if you have pre-1987 after-tax contributions maintained in a separate account, a special rule may apply to determine whether the after-tax contributions are included in a payment. In addition, special rules apply when you do a rollover, as described below.

You may roll over to an IRA a payment that includes after-tax contributions through either a direct rollover or a 60-day rollover. You must keep track of the aggregate amount of the after-tax contributions in all of your IRAs (in order to determine your taxable income for later payments from the IRAs). If you do a direct rollover of only a portion of the amount paid from the Plan and at the same time the rest is paid to you, the portion directly rolled over consists first of the amount that would be taxable if not rolled over. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions. In this case, if you directly roll over \$10,000 to an IRA that is not a Roth IRA, no amount is taxable because the \$2,000 amount not directly rolled over is treated as being after-tax contributions. If you do a direct rollover of the entire amount paid from the Plan to two or more destinations at the same time, you can choose which destination receives the after-tax contributions.

If you do a 60-day rollover to an IRA of only a portion of a payment made to you, the after-tax contributions are treated as rolled over last. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions, and no part of the distribution is directly rolled over. In this case, if you roll over \$10,000 to an IRA that is not a Roth IRA in a 60-day rollover, no amount is taxable because the \$2,000 amount not rolled over is treated as being after-tax contributions.

You may roll over to an employer plan all of a payment that includes after-tax contributions, but only through a direct rollover (and only if the receiving plan separately accounts for after-tax contributions and is not a governmental section 457(b) plan). You can do a 60-day rollover to an employer plan of part of a payment that includes after-tax contributions, but only up to the amount of the payment that would be taxable if not rolled over.

#### **If you miss the 60-day rollover deadline**

Generally, the 60-day rollover deadline cannot be extended. However, the IRS has the limited authority to waive the deadline under certain extraordinary circumstances, such as when external events prevented you from completing the rollover by the 60-day rollover deadline. Under certain circumstances, you may claim eligibility for a waiver of the 60-day rollover deadline by making a written self-certification. Otherwise, to apply for a waiver from the IRS, you must file a private letter ruling request with the IRS. Private letter ruling requests require the payment of a nonrefundable user fee. For more information, see IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*.

#### **If your payment includes employer stock that you do not roll over**

If you do not do a rollover, you can apply a special rule to payments of employer stock (or other employer securities) that are either attributable to after-tax contributions or paid in a lump sum after separation from service (or after age 59½, disability, or the participant's death). Under the special rule, the net unrealized appreciation on the stock will not be taxed when distributed from the Plan and will be taxed at capital gain rates when you sell the stock. Net unrealized appreciation is generally the increase in the value of employer stock after it was acquired by the Plan. If you do a rollover for a payment that includes employer stock (for example, by selling the stock and rolling over the proceeds within 60 days of the payment), the special rule relating to the distributed employer stock will not apply to any subsequent payments from the IRA or employer plan. The Plan administrator can tell you the amount of any net unrealized appreciation.

#### **If you have an outstanding loan that is being offset**

If you have an outstanding loan from the Plan, your Plan benefit may be offset by the outstanding amount of the loan, typically when your employment ends. The offset amount is treated as a distribution to you at the time of the offset. Generally, you may roll over all or any portion of the offset amount. Any offset amount that is not rolled over will be taxed (including the 10% additional income tax on early distributions, unless an exception applies). You may roll over offset amounts to an IRA or an employer plan (if the terms of the employer plan permit the plan to receive plan loan offset rollovers). How long you have to complete the rollover depends on what kind of plan loan offset you have. If you have a qualified plan loan offset, you will have until your tax return due date (including extensions) for the tax year during which the offset occurs to complete your rollover. A qualified plan loan offset



occurs when a plan loan in good standing is offset because your employer plan terminates, or because you sever from employment. If your plan loan offset occurs for any other reason, then you have 60 days from the date the offset occurs to complete your rollover.

**If you were born on or before January 1, 1936**

If you were born on or before January 1, 1936 and receive a lump sum distribution that you do not roll over, special rules for calculating the amount of the tax on the payment might apply to you. For more information, see IRS Publication 575, *Pension and Annuity Income*.

**If your payment is from a governmental section 457(b) plan**

If the Plan is a governmental section 457(b) plan, the same rules described elsewhere in this notice generally apply, allowing you to roll over the payment to an IRA or an employer plan that accepts rollovers. One difference is that, if you do not do a rollover, you will not have to pay the 10% additional income tax on early distributions from the Plan even if you are under age 59½ (unless the payment is from a separate account holding rollover contributions that were made to the Plan from a tax-qualified plan, a section 403(b) plan, or an IRA). However, if you do a rollover to an IRA or to an employer plan that is not a governmental section 457(b) plan, a later distribution made before age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies). Other differences include that you cannot do a rollover if the payment is due to an "unforeseeable emergency" and the special rules under "If your payment includes employer stock that you do not roll over" and "If you were born on or before January 1, 1936" do not apply.

**If you are an eligible retired public safety officer and your payment is used to pay for health coverage or qualified long-term care insurance**

If the Plan is a governmental plan, you retired as a public safety officer, and your retirement was by reason of disability or was after normal retirement age, you can exclude from your taxable income Plan payments paid directly as premiums to an accident or health plan (or a qualified long-term care insurance contract) that your employer maintains for you, your spouse, or your dependents, up to a maximum of \$3,000 annually. For this purpose, a public safety officer is a law enforcement officer, firefighter, chaplain, or member of a rescue squad or ambulance crew.

**If you roll over your payment to a Roth IRA**

If you roll over a payment from the Plan to a Roth IRA, a special rule applies under which the amount of the payment rolled over (reduced by any after-tax amounts) will be taxed. However, the 10% additional income tax on early distributions will not apply (unless you take the amount rolled over out of the Roth IRA within 5 years, counting from January 1 of the year of the rollover).

If you roll over the payment to a Roth IRA, later payments from the Roth IRA that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a Roth IRA is a payment made after you are age 59½ (or after your death or disability, or as a qualified first-time homebuyer distribution of up to \$10,000) and after you have had a Roth IRA for at least 5 years. In applying this 5-year rule, you count from January 1 of the year for which your first contribution was made to a Roth IRA. Payments from the Roth IRA that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10% additional income tax on early distributions (unless an exception applies). You do not have to take required minimum distributions from a Roth IRA during your lifetime. For more information, see IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*, and IRS Publication 590-B, *Distributions from Individual Retirement Arrangements (IRAs)*.

**If you do a rollover to a designated Roth account in the Plan**

You cannot roll over a distribution to a designated Roth account in another employer's plan. However, you can roll the distribution over into a designated Roth account in the distributing Plan. If you roll over a payment from the Plan to a designated Roth account in the Plan, the amount of the payment rolled over (reduced by any after-tax amounts directly rolled over) will be taxed. However, the 10% additional tax on early distributions will not apply (unless you take the amount rolled over out of the designated Roth account within the 5-year period that begins on January 1 of the year of the rollover). If you roll over the payment to a designated Roth account in the Plan, later payments from the designated Roth account that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a designated Roth account is a payment made both after you are age 59½ (or after your death or disability) and after you have had a designated Roth account in the Plan for at least 5 years. In applying this 5-year rule, you count from January 1 of the year your first contribution was made to the designated Roth account. However, if you made a direct rollover to a designated Roth account in the Plan from a designated Roth account in a plan of another employer, the 5-year period begins on January 1 of the year you made the first contribution to the designated Roth account in the Plan or, if earlier, to the designated Roth account in the plan of the other employer. Payments from the designated Roth account that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10% additional income tax on early distributions (unless an exception applies).

**If you are not a Plan participant**

Payments after death of the participant. If you receive a distribution after the participant's death that you do not roll over, the distribution will generally be taxed in the same manner described elsewhere in this notice. However, the 10% additional income tax on early distributions and the special rules for public safety officers do not apply, and the special rule described under the section "If you were born on or before January 1, 1936" applies only if the participant was born on or before January 1, 1936.

**If you are a surviving spouse.** If you receive a payment from the Plan as the surviving spouse of a deceased participant, you have the same rollover options that the participant would have had, as described elsewhere in this notice. In addition, if you choose to do a rollover to an IRA, you may treat the IRA as your own or as an inherited IRA.

An IRA you treat as your own is treated like any other IRA of yours, so that payments made to you before you are age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies) and required minimum distributions from your IRA do not have to start until after you are age 70½.

If you treat the IRA as an inherited IRA, payments from the IRA will not be subject to the 10% additional income tax on early distributions. However, if the participant had started taking required minimum distributions, you will have to receive required minimum distributions from the inherited IRA. If the participant had not started taking required minimum distributions from the Plan, you will not have to start receiving required minimum distributions from the inherited IRA until the year the participant would have been age 70½.

**If you are a surviving beneficiary other than a spouse.** If you receive a payment from the Plan because of the participant's death and you are a designated beneficiary other than a surviving spouse, the only rollover option you have is to do a direct rollover to an inherited IRA. Payments from the inherited IRA will not be subject to the 10% additional income tax on early distributions. You will have to receive required minimum distributions from the inherited IRA.

Payments under a qualified domestic relations order. If you are the spouse or former spouse of the participant who receives a payment from the Plan under a qualified domestic relations order (QDRO), you generally have the same options and the same tax treatment that the participant would have (for example, you may roll over the payment to your own IRA or an eligible employer plan that will accept it). However, payments under the QDRO will not be subject to the 10% additional income tax on early distributions.

**If you are a nonresident alien**

If you are a nonresident alien and you do not do a direct rollover to a U.S. IRA or U.S. employer plan, instead of withholding 20%, the Plan is generally required to withhold 30% of the payment for federal income taxes. If the amount withheld exceeds the amount of tax you owe (as may happen if you do a 60-day rollover), you may request an income tax refund by filing Form 1040NR and attaching your Form 1042-S. See Form W-8BEN for claiming that you are entitled to a reduced rate of withholding under an income tax treaty. For more information, see also IRS Publication 519, U.S. Tax Guide for Aliens, and IRS Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*.

**Other special rules**

If a payment is one in a series of payments for less than 10 years, your choice whether to make a direct rollover will apply to all later payments in the series (unless you make a different choice for later payments).

If your payments for the year are less than \$200 (not including payments from a designated Roth account in the Plan), the Plan is not required to allow you to do a direct rollover and is not required to withhold federal income taxes. However, you may do a 60-day rollover.

Unless you elect otherwise, a mandatory cashout of more than \$1,000 (not including payments from a designated Roth account in the Plan) will be directly rolled over to an IRA chosen by the Plan administrator or the payor. A mandatory cashout is a payment from a plan to a participant made before age 62 (or normal retirement age, if later) and without consent, where the participant's benefit does not exceed \$5,000 (not including any amounts held under the plan as a result of a prior rollover made to the plan).

You may have special rollover rights if you recently served in the U.S. Armed Forces. For more information on special rollover rights related to the U.S. Armed Forces, see IRS Publication 3, *Armed Forces' Tax Guide*. You also may have special rollover rights if you were affected by a federally declared disaster (or similar event), or if you received a distribution on account of a disaster. For more information on special rollover rights related to disaster relief, see the IRS website at [www.irs.gov](http://www.irs.gov).

**FOR MORE INFORMATION**

You may wish to consult with the Plan administrator or payor, or a professional tax advisor, before taking a payment from the Plan. Also, you can find more detailed information on the federal tax treatment of payments from employer plans in: IRS Publication 575, *Pension and Annuity Income*; IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*; IRS Publication 590-B, *Distributions from Individual Retirement Arrangements (IRAs)*; and IRS Publication 571, *Tax-Sheltered Annuity Plans (403(b) Plans)*. These publications are available from a local IRS office, on the web at [www.irs.gov](http://www.irs.gov), or by calling 1-800-TAX-FORM.