



**ELIGIBILITY FORM**

The following questions are designed to help you, the Employer, along with your attorney and tax advisor, determine if you are eligible to adopt a SIMPLE IRA plan. Please answer the following questions.

**REQUIREMENTS**

**YES NO**

- 1. Do you own or control a business for which you provide personal services and receive income?  
*If the answer is NO, STOP. You are not eligible to establish this Plan.*
  
- 2. Do you have more than 100 employees who received at least \$5,000 of compensation from you in the previous calendar year?  
*If the answer is YES, STOP. You are not eligible to establish this Plan (certain acquisition exception rules apply).*
  
- 3. Have you maintained any other qualified plan during the current calendar year in which contributions were made or benefits were accrued?  
*If the answer is YES, STOP. You are not eligible to establish this Plan.*

**NOTE:** If your business

- is a member of a controlled group of corporations, businesses, or trades, (whether or not incorporated) within the meaning of IRC Section 414(b) or 414(c);
- is a member of an affiliated service group within the meaning of IRC Section 414(m); or
- uses the services of leased employees within the meaning of IRC Section 414(n);

you may have to include the leased employees and/or employees of the other business(es) in your Plan. Please consult your tax advisor to determine what additional action, if any, you must take.

**SIGNATURE IMPORTANT: Please read before signing.**

- I certify that:
- 1. I am an authorized representative of the Employer and the Employer is eligible to establish the SIMPLE IRA plan of the Prototype Sponsor.
  - 2. In determining my eligibility to adopt this Plan, I relied solely upon the advice of my own advisors.
  - 3. I agree not to hold the Prototype Sponsor responsible for any liabilities I may suffer as a result of being found ineligible to establish this Plan.

DATE EXECUTED \_\_\_\_\_

TYPE NAME OF EMPLOYER \_\_\_\_\_

SIGNATURE OF EMPLOYER \_\_\_\_\_