



# Rules And Conditions Applicable To Rollovers

## GENERAL INFORMATION

A rollover is a way to move money or property from one Roth IRA or eligible retirement plan to another Roth IRA. The Internal Revenue Code (IRC) limits how many distributions may be rolled over, how quickly they must be completed and how the Trustee or Custodian must report them. By properly completing this form you are certifying to the Trustee or Custodian that you have satisfied the rules and conditions applicable to a rollover and that you are making an irrevocable election to treat the transaction as a rollover.

## ROTH IRA TO ROTH IRA ROLLOVER REQUIREMENTS (Option One)

### 1. TIMELINESS

The funds you receive from the distributing Roth IRA must be deposited into another Roth IRA within 60 days after you receive them. However, this period is 120 days for certain rollovers relating to first-home purchases. When counting the 60 (or 120) days include weekends and holidays. Receipt generally means the day you actually have the funds in hand. For example, the 60 days would begin on the day following the day you pick up the check from the Trustee or Custodian or you receive the check in the mail.

The IRS has the authority to grant extensions to the 60 (or 120) day rule in cases where a hardship would be related (e.g., casualty, disaster, etc.). Generally, in order to receive this relief you must apply for a Private Letter Ruling accompanied by the applicable user fee. An automatic waiver (no application to the IRS) is available if all the following are true: (1) the financial institution receives the funds prior to the expiration of the 60-day rollover period, (2) you follow all procedures required for depositing the funds into an eligible Roth IRA within the 60-day period, (3) the funds are not deposited due to financial institution error, (4) the funds are deposited into a Roth IRA within one year from the beginning of the 60-day rollover period, and (5) if the financial institution had deposited the funds as instructed, it would have been a valid rollover.

### 2. TWELVE MONTH RESTRICTION

You are entitled to one distribution per year per Roth IRA which may be rolled over. Twelve (12) months must pass after receipt of one distribution which you roll over before you may take another distribution from the same Roth IRA to roll over. A Roth IRA is created by executing a plan agreement, not by depositing a contribution into a separate investment within an existing Roth IRA.

You are entitled to roll over the same assets only once in a twelve (12) month period. Twelve (12) months must elapse between the time you receive a distribution of the assets to be rolled over until the time you receive another distribution of those same assets for rollover purposes.

## ELIGIBLE RETIREMENT PLAN TO ROTH IRA ROLLOVER REQUIREMENTS (Option Two)

### 1. ELIGIBLE PERSON

Only an eligible person may roll funds from a 401(a), 403(b), or 457(b) Plan, into a Roth IRA. You will only be an eligible person if you were or are a participant in the distributing plan, the surviving spouse beneficiary of a deceased participant, or the alternate payee identified in a Qualified Domestic Relations Order (QDRO). A QDRO is a domestic relations order issued in a divorce proceeding which meets certain conditions and grants to an alternate payee (e.g., exspouse) the right to receive all or a portion of a participant's benefits under a QRP. If the alternate payee is a spouse or former spouse, the alternate payee may be able to roll over all or a portion of the amount received to a Roth IRA. In order to roll over retirement plan assets, other than designated Roth 401(k) or 403(b) contributions, you must meet the following eligibility requirements. If your modified adjusted gross income is not more than \$100,000, and you are not married filing a separate income tax return, you are eligible to roll over the retirement plan assets to a Roth IRA. Beginning in 2010, these eligibility requirements will be eliminated. A nonspouse beneficiary may only roll over to an inherited Roth IRA. A rollover to an inherited Roth IRA must be done as a direct rollover from an eligible retirement plan.

### 2. ELIGIBLE PLAN

A distribution will not be eligible to be rolled over unless that distribution is made from an eligible retirement plan. An eligible retirement plan is a plan that is qualified under IRC Section 401(a), 403(b), or 457(b).

### 3. ELIGIBLE ROLLOVER DEPOSIT

Only certain types of eligible retirement plan distributions, called "eligible rollover distributions," may be deposited into a Roth IRA. Eligible rollover distributions include most distributions from eligible plans except the following:

**Required Minimum Distributions** – Distributions which represent required minimum distributions paid during a participant's first distribution calendar year or later may not be rolled over.

**Substantially Equal Periodic Payments** – For purposes of determining an eligible rollover distribution, substantially equal periodic payments are defined as a series of substantially equal distributions made not less frequently than annually and calculated 1) over the life (or life expectancy) of the individual or the joint lives (or life expectancies) of the individual and the individual's beneficiary or, 2) for a specified period of 10 years or more.

**P.S. 58 Costs** – If you received distribution of a life insurance policy from a plan, the amounts attributable to the cost of life insurance purchased by the plan which have been previously taxed to the participant may not be rolled over.

**Property Distributions** – If property other than cash is distributed, only the same property or the proceeds from its sale may be rolled over. If you receive property but wish to roll over cash, you must actually sell the property and roll over the proceeds.

**Hardship Distributions** – Distributions taken on account of financial hardship are not eligible to be rolled over.

### 4. TIMELINESS

If the check is payable to you, the funds you receive from the distributing plan must be deposited in a Roth IRA within 60 days after you receive them. When counting the 60 days include weekends and holidays. Receipt generally means the day you actually have the funds in hand.

The IRS has the authority to grant extensions to the 60 day rule in cases where a hardship occurs (e.g. casualty, disaster, etc.). Generally, in order to receive this relief you must apply for a Private Letter Ruling accompanied by the applicable user fee. An automatic waiver (no application to the IRS) is available if all the following are true: (1) the financial institution receives the funds prior to the expiration of the 60-day rollover period, (2) you follow all procedures required for depositing the funds into an eligible Roth IRA within the 60-day period, (3) the funds are not deposited due to financial institution error, (4) the funds are deposited into a Roth IRA within one year from the beginning of the 60-day rollover period, and (5) if the financial institution had deposited the funds as instructed, it would have been a valid rollover.

## MILITARY DEATH GRATUITY AND SGLI PAYMENT ROLLOVER REQUIREMENTS (Option Three)

### AMOUNT AND TIMELINESS

If you have received a military death gratuity or a payment from the Servicemembers' Group Life Insurance program, you may be able to roll over the proceeds to a Roth IRA. The rollover contribution amount is limited to the sum of the death benefits received, less any such amount that was rolled over to a Coverdell education savings account. Proceeds must be rolled over within one year of receipt of the gratuity or SGLI payment for deaths occurring on or after June 17, 2008. For deaths occurring between October 7, 2001 and June 17, 2008, proceeds may be rolled over no later than one year from June 17, 2008.