

ADAMS COUNTY BOARD OF RETIREMENT
4430 SOUTH ADAMS COUNTY PARKWAY
SUITE C3406
BRIGHTON, CO 80601-8202
Phone No. (720) 523-6167 Fax (720) 523-6322
Website www.acretirement.org

**ADAMS COUNTY RETIREMENT PLAN
APPLICATION FOR REFUND OF CONTRIBUTION ACCUMULATION TO A NON-VESTED MEMBER**

Part I – General Information (please print entire form)

Name _____ SSN _____

Date of Birth _____ Date of Hire _____ Date of Termination _____

Home/Cell Phone (_____) _____ Work Phone (_____) _____

Address _____ City _____ State _____ Zip Code _____

Part II – Refund Amount

You are entitled to receive a single-sum refund equal to 100% of your Contribution Accumulation at your termination date, or date of application for refund, if later. You are not entitled to any other benefits from the Adams County Retirement Plan ("Plan"). The amount of your refund will be reduced by the amount payable to an alternate payee pursuant to a valid domestic relations order on file, if any. Your "Contribution Accumulation" is the amount of your contributions to the Plan, plus interest.

Part III – Withholding/Direct Rollover Election

I understand that if my taxable refund is \$199.99 or less, I will receive a check for the refund, and no tax will be withheld. If my taxable refund is \$200.00 or more, I elect one of the following:

CHECK ONE:

- A. Pay me the entire refund, with 20% of the taxable portion withheld for federal tax. (Skip to Part VI.)
- B. Pay me the entire refund, with 20% of the taxable portion withheld for federal tax. I also want an additional _____% to be withheld for federal tax, and _____% to be withheld for state tax. (Skip to Part VI.)

Note: If you are taking a cash refund, you will receive your refund within 90 to 120 days from the later of the date you (1) have been officially terminated by the human resources department of your employer, Adams County or the Rangeview Library District, or (2) return this form to the Retirement Office. **Your refund will not be paid while you are employed by these employers.**

- C. Direct Rollover of the entire refund. I will provide Direct Rollover instructions in Part V.
- D. Part Direct Rollover and part refund. The Direct Rollover portion shall be \$_____ (must be at least \$500). No federal or state income tax will be withheld from the portion of my refund that I have elected to directly roll over. I will provide Direct Rollover instructions in Part V.

I understand that the remainder of my refund will be mailed to me at home, with 20% of the taxable portion withheld for federal tax. I also want an additional _____% to be withheld for federal tax and _____% to be withheld for state tax.

Part III – Withholding/Direct Rollover Election (continued)

Note: The taxable portion of your refund that is directly rolled over to a Roth IRA or rolled over to a Roth IRA in a 60-day rollover is taxable at the time of the distribution.

Even if you do not use the Direct Rollover (e.g., because your taxable distribution is less than \$200), you may still roll over the taxable portion of your refund after receipt, so long as you do so within 60 days of receiving it.

Part IV – Qualified Public Safety Employee

If you are employed by Adams County as a "qualified public safety employee" and you are at least 50 years of age by the end of the calendar year in which you separate from service, the taxable portion of any distribution will not be subject to the 10% penalty tax for early withdrawal.

A "qualified public safety employee" means an employee of a State or political subdivision of a State whose principal duties include services requiring specialized training in the area of police protection, firefighting services, or emergency medical services for any area within the jurisdiction of the State or political subdivision.

Please check one of the following:

I am employed by Adams County as a qualified public safety employee and I will be at least 50 years of age by the end of the calendar year in which I separate from service.

Yes No

Part V – Direct Rollover Instructions (complete only if you chose C. or D. in Part III above)

I have selected the following for my Direct Rollover (complete A and/or B):

A. Individual Retirement Account* Individual Retirement Annuity Roth IRA

Name of Financial Institution: _____ Account #: _____

Direct Rollover shall be payable to: _____

Direct Rollover shall be sent to the following address: _____

_____ Attention: _____

*If a SIMPLE IRA, the SIMPLE IRA must have been in existence for at least two years.

The payor of the Direct Rollover may telephone the following individual if there are questions about this IRA or Roth IRA:

Name: _____ Company: _____

Title: _____ Phone No.: (_____) _____

Part V – Direct Rollover Instructions (continued)

B. Eligible Employer Plan: (You must confirm that the new plan will accept this Direct Rollover.)

Name of Plan: _____

Name of Sponsoring Employer: _____

Name of Plan Trustee: _____

Name of Plan Administrator: _____

Plan Administrator's Telephone: _____

Direct Rollover shall be payable to: _____

Direct Rollover shall be sent to the following address: _____

_____ Attention: _____

If the payor of the Direct Rollover should call someone other than the Plan Administrator with any questions about this rollover, insert the following information regarding that individual:

Name: _____

Company: _____

Title: _____ Phone No.: (____) _____

Note: If you have elected a direct rollover, your rollover will be completed within 90 to 120 days after the later of the date you (1) have been officially terminated by the human resources department of your employer, Adams County or the Rangeview Library District, or (2) return this form to the Retirement Office. **Your refund will not be rolled over while you are employed by these employers.**

Part VI – Lawful Presence Affidavit

I swear or affirm, under penalty of perjury under the laws of the State of Colorado, that (check one):

_____ I am a United States citizen;

_____ I am a legal permanent resident of the United States*; or

_____ I am otherwise lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by Colorado law because I have applied for a public benefit. I understand that Colorado law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit.

I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statutes § 18-8-503, and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

Date

* If Affiant affirms that he/she is either a Permanent Resident or otherwise lawfully present in the United States, the Plan Executive Director should contact Human Resources to determine if lawful presence has been verified through the S.A.V.E. Program.

Part VI – Lawful Presence Affidavit (continued)

PLEASE PROVIDE A COPY OF ONE OF THE FOLLOWING:

_____ a valid Colorado driver's license or a Colorado identification card, issued pursuant to Article 2 of Title 42, C.R.S., unless the applicant holds a license or card that states, "Not Valid for Federal Identification, Voting, or Public Benefit Purposes"

_____ any unexpired out of state driver's license or ID card with Enhancement indicator

_____ United States Military Card

_____ United States Military Dependent's Card

_____ United States Coast Guard Merchant Mariner Card

_____ Native American Tribal Document

If you do not have any of the above forms of identification, please contact the Plan Executive Director for information regarding additional forms of identification that are acceptable.

Part VII – Certification and Acknowledgement

I certify that I have provided to the Plan Executive Director a copy of any approved domestic relations order to which I am a party. I understand that the terms of a domestic relations order may require the Plan Executive Director to reduce my refund from the Plan, and pay a portion of the refund to an alternate payee.

I certify that the information I have provided in this Application for Refund of Contribution Accumulation is true and correct.

I acknowledge that I have read the Special Tax Notice – Your Rollover Options and have received a statement of all benefit options available to me under the Plan. I direct the Plan Executive Director to distribute my refund in accordance with the foregoing elections. I represent that the plan named to receive a Direct Rollover, if any, is an eligible employer plan, an IRA or a Roth IRA.

I understand that I may be subject to penalties under the estimated tax rules if payments of estimated tax and withholding are not adequate.

For the direct rollover option under Option C. or Option D. in Part III, unless you elect to waive the applicable waiting period, your distribution cannot be made for at least 30 days after the Plan Executive Director provided you with the Special Tax Notice – Your Rollover Options. Please check and initial one of the following:

I elect to waive any applicable waiting period. I do not elect to waive any applicable waiting period.

Initial

Initial

I hereby certify and acknowledge that I:

- (1) had a bona fide termination of employment;
- (2) have no pre-arrangement with the County or Rangeview Library District to be reemployed;
- (3) agree to release, discharge and indemnify the Retirement Plan, Retirement Board, the Plan Executive Director, Adams County and Rangeview Library District, including, as applicable, these entities' officers, members, employees, trustees, fiduciaries, attorneys, consultants, affiliates and agents from all liability and claims, including related costs and attorneys' fees, for acting pursuant to this Part VII, Certification and Acknowledgement, including for relying on any false statements contained herein; and
- (4) agree to repay the distribution plus earnings to the Plan in the event my termination is determined to be a sham.

ADAMS COUNTY RETIREMENT PLAN

SPECIAL TAX NOTICE – YOUR ROLLOVER OPTIONS

This notice explains how you can continue to defer federal income tax on your retirement savings in the Adams County Retirement Plan (the “Plan”) and contains important information you will need before you decide how to receive your Plan benefits.

You are receiving this notice because all or a portion of a payment you are receiving from the Plan may be 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.

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.

If you have additional questions after reading this notice, you can contact the Retirement Office at (720) 523-6167.

GENERAL INFORMATION ABOUT ROLLOVERS

How can a rollover affect my taxes?

You will be taxed on the taxable portion of 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 (unless an exception applies). However, if you do a rollover, you will not have to pay tax until you receive payments later (unless you choose a direct rollover to a Roth IRA) 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, including a SIMPLE IRA that has been in existence for at least two years) 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 taxable portion of the payment for federal income taxes (up to the amount of cash and property received). 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 taxable portion of the amount 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 72 (if you were born after June 30, 1949) or after age 70½ (if you were born before July 1, 1949) or after death; and
- Corrective distributions of contributions that exceed tax law limitations.

Please contact the Retirement Office at (720) 523-6167 regarding 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 taxable portion of 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 the 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;
- Corrective distributions of contributions that exceed tax law limitations;
- Payments made directly to the government to satisfy a federal tax levy;
- Payments made to an alternate payee under a domestic relations order;
- 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; and
- Payments for certain distributions relating to certain federally declared disasters.

See IRS Form 5329 for more information on the additional 10% tax and consult your professional tax advisor.

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 the 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 domestic relations orders 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; and
- 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).

See IRS Form 5329 for more information on the additional 10% tax and consult your professional tax advisor.

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

Because the Plan is a governmental plan, if 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)*.

You cannot roll over a payment from the Plan to a designated Roth account in an employer plan.

If you are not a Plan member

Payments after death of the member. If you receive a distribution after the member'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 member 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 member, you have the same rollover options that the member 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 72 if you were born after July 1, 1949 (or until after you are age 70½ if you were born before July 1, 1949).

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 member had started taking required minimum distributions, you will have to receive required minimum distributions from the inherited IRA. If the member 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 member would have been age 72 if the member was born after June 30, 1949 (or until the year the member would have been age 70½ if the member was born before July 1, 1949).

If you are a surviving beneficiary other than a spouse. If you receive a payment from the Plan because of the member'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 domestic relations order. If you are the spouse or former spouse of the member who receives a payment from the Plan under a domestic relations order, you generally have the same options the member would have (for example, you may roll over the payment to your own IRA or an eligible employer plan that will accept it). Payments under the domestic relations order 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, the Plan is not required to allow you to do a direct rollover and is not required to withhold for federal income taxes. However, you may do a 60-day rollover.

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.

FOR MORE INFORMATION

This notice summarizes only the federal (not state or local) tax rules that might apply to your payment. The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may wish to consult with 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, or by calling 1-800-TAX-FORM.