

University of San Diego Defined Contribution Retirement Plan In-Service Distribution Form

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STEP 4**Sign the Form** (indicate your marital status and sign below; see the attached INSTRUCTIONS)

I certify under penalty of perjury that I have read and understand the *Participant Certifications* contained in the attached INSTRUCTIONS, and they are all true. I also have read and understand the *Participant's Waiver of the Qualified Joint and Survivor Annuity* contained in the attached INSTRUCTIONS (if I am choosing to waive this form of distribution).(if I am choosing a Life Only annuity).

My marital status is: Not Married or Married (if married and requesting a distribution other than a *Qualified Joint and Survivor Annuity Life Only Annuity*, spouse's consent must be obtained below.)

Signature: _____ Date _____

STEP 5**Get Your Spouse's Consent** (if required; see the attached INSTRUCTIONS)

I certify that I have read and understand the *Spousal Consent to Waiver* contained in the attached INSTRUCTIONS, and consent to the participant's waiver of a Qualified Joint and Survivor Annuity in order to receive the form of payment elected on this DISTRIBUTION FORM.

Spouse's Signature: _____ Date _____

Witness: _____ Date _____ (check below as appropriate)

I am: an official plan representative, or a Notary Public. State _____
My commission expires: _____

STEP 6**Return Form to our Employer**

University of San Diego Defined Contribution Retirement Plan In-Service Distribution Form Instructions

STEP 1 Elect Your Withdrawal Amount (check one of the two boxes and complete as necessary)

- If you specify a dollar amount that exceeds the amount available from your account balance at the time your withdrawal is processed, your withdrawal will be processed for the maximum amount available to you.

STEP 2 Choose Your Method of Payment

- Check the box(es) that describe the methods, or combination of methods, of payment you want.
- If you terminate employment and your considered vested account balance does not exceed \$5000, you will automatically receive a lump sum distribution unless you return this IN-SERVICE DISTRIBUTION FORM requesting a direct rollover *before* the date your account will be cashed out. The Plan does not consider the balance of your Employee Rollover Contribution Account, if any, when determining whether your benefit will be cashed out.
- If you are married and do not elect a Qualified Joint and Survivor Annuity, you must obtain your spouse's consent by completing STEP 5.
- If you are married and you elect to receive a Life Only Annuity, you must obtain your spouse's consent by completing STEP 5. If you wish to rollover to a Scudder Trust Company IRA, you must complete the attached Scudder Trust Company IRA Application and submit it with this IN-SERVICE DISTRIBUTION FORM. Otherwise, you must provide us with information regarding the IRA or other Retirement Plan. We will send a check to your address of record (made payable to the IRA custodian or Retirement Plan trustee or custodian you identify) for you to forward to the IRA custodian or Retirement Plan trustee or custodian, if applicable. It is important for you to confirm that the IRA or Retirement Plan you name will accept a direct rollover of your distribution.
- If you are making a direct rollover that includes shares of employer stock, you must confirm that the IRA or Retirement Plan you name will accept such shares.
- If any portion of your distribution is eligible to be directly rolled over but is not (*e.g.*, a lump sum), the mandatory 20% federal income tax withholding will apply to the portion that was not directly rolled over. **You can avoid mandatory 20% federal income tax withholding by electing a direct rollover.** If you wish to have more than the mandatory 20% withheld, specify this in STEP 3. You may elect to roll over 100% of your vested account balance or only a portion of it. For information regarding the types of distributions that are eligible to be rolled over, refer to your SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS.
- If your account address is in a state which requires mandatory state income tax withholding on this distribution, such withholding may also apply.
- If you elect to have installment payments over a fixed period, the installment period may not exceed "your life expectancy" under Code § 401(a)(9).
- Installments may be paid in the fixed amount you indicate on the form.
- You may elect to have installments paid on a monthly, quarterly, semi-annual or annual basis. If installments will be paid over a period of 10 or more years, you must complete STEP 3.
- If you elect to receive a life-contingent annuity you must complete STEP 3. You also must contact your employer to arrange for the purchase of such contract.

STEP 3 Make A Withholding Election

Elective Federal Withholding:

- *If you elect one of the following methods of payment, you must check one of the two boxes and complete as necessary. (Note: the following are only examples and may not all be available on your IN-SERVICE DISTRIBUTION FORM):*
 - An annuity or installments paid over your life or life expectancy (or you and your beneficiary's joint lives or life expectancies);
 - An annuity or installments paid over a specified period of 10 or more years. Refer to the SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS.
- A lump sum distribution is subject to mandatory 20% federal withholding. However, if you elect a lump sum payment and wish to have more than 20% withheld, check box 2 and indicate the amount you want withheld.
- If your distribution is subject to elective federal withholding and you do NOT make a proper elective withholding election, your annuity (or installment) payments will automatically be subject to federal withholding as if they were *wages* being paid to you and you are *married with three (3) dependents*.
- Regardless of your election, you will remain liable for any federal income tax on the distribution amount and any penalty tax that may be due (*e.g.*, if you are under age 59 ½). You may also be subject to penalties under the federal estimated tax payment rules if your tax payments and withholding amounts are not sufficient.

Mandatory State Withholding: If your account address is in a state which requires mandatory state income tax withholding on this distribution, such withholding may also apply.

STEP 4 Sign the Form

Participant Certifications: *By signing the attached IN-SERVICE DISTRIBUTION FORM, I am certifying under penalty of perjury that the following statements are true:*

- I am eligible to receive a distribution under the terms of the Plan.
- I understand that if I am under age 59 ½, a 10% early withdrawal penalty may apply to any distribution paid to me.

- I understand that my distribution will be paid to me as soon as administratively practicable following proper completion and submission of this IN-SERVICE DISTRIBUTION FORM. If I request a distribution less than 30 days after receiving the SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS, I waive my right to 30 days' notice of the information contained in the SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS.
- If I have elected a direct rollover, I have confirmed that the IRA custodian/Retirement Plan trustee or custodian, if applicable, will accept a direct rollover of my distribution.

Participant's Waiver of the Qualified Joint and Survivor Annuity: *By signing the attached IN-SERVICE DISTRIBUTION FORM, I am certifying that the following statements are true:*

- I have correctly indicated my marital status on the IN-SERVICE DISTRIBUTION FORM;
- I understand that my benefit under the Plan will be paid in the form of a Qualified Joint and Survivor Annuity (if I am married) or a Life Only Annuity (if I am not married), unless I waive this form of distribution. I have received and read the JOINT AND SURVIVOR ANNUITY NOTICE, and understand the financial effect of waiving a Qualified Joint and Survivor Annuity (or a Life Only Annuity);
- If I am married and elect a Life Only Annuity, I understand that my benefit under the Plan will instead be paid in the form of a Qualified Joint and Survivor Annuity, unless I waive this form of distribution. I have received and read the JOINT AND SURVIVOR ANNUITY NOTICE, and understand the effect of waiving a Qualified Joint and Survivor Annuity; and
- I understand that I may waive the Qualified Joint and Survivor Annuity only if my spouse consents to my waiver (see Step 5).

STEP 5 **Get Your Spouse's Consent** (complete if you are married and NOT electing a Qualified Joint and Survivor Annuity)

Spousal Consent to Waiver: *By signing the attached IN-SERVICE DISTRIBUTION FORM, I am certifying that the following statements are true:*

- I am the Participant's spouse;
- I have received and read the IN-SERVICE DISTRIBUTION FORM and the JOINT AND SURVIVOR ANNUITY NOTICE, and understand that my spouse is waiving a Qualified Joint and Survivor Annuity in order to receive the form of payment elected on the IN-SERVICE DISTRIBUTION FORM;
- I understand that as a result of this waiver, I may be entitled to a lesser benefit than I otherwise would be;
- I understand that I have 30 days to consider my decision, but that I will be deemed to have waived the remaining portion of this 30-day period once my spouse returns the completed IN-SERVICE DISTRIBUTION FORM;
- I voluntarily consent to my spouse's waiver of the Qualified Joint and Survivor Annuity, realizing that I have the right to withhold my consent and that my spouse's waiver is not valid without it; and
- I understand that once I give my consent I cannot revoke it, unless my spouse first revokes his/her waiver.