

ALSO IN THIS ISSUE –

Education IRAs at a Glance, *Page 5*

The Impact of the Privacy Rules of the Gramm-Leach-Bliley Act of 1999, Page 6

Mandatory Disclosure Requirement, Page 6

Combined Information Reporting After a Merger or Acquisition, Page 7



RECHARACTERIZING A 1999 CONTRIBUTION IN 2000

This time of year is the season for recharacterizations. People are visiting their tax accountants. The accountants will be telling some of your accountholders they were ineligible to convert their traditional IRA to a Roth IRA in 1999, or, if eligible to perform the conversion transaction, that it was not in their best interest to have done so. Or, they may tell the accountholder that they were ineligible to make a \$2,000 contribution to their Roth IRA or vice versa. The point is-you, as an IRA custodian or trustee, can expect to see some of your IRA accountholders instruct you that they want to recharacterize a contribution he or she has made in 1999, for 1999, before he or she files a 1999 federal income tax return in 2000. Most such accountholders will normally complete the recharacterization on or before the tax-filing deadline for 1999. This is April 17, 2000, since April 15 falls on a Saturday. However, a person will have until October 15, 2000, to recharacterize a contribution. A person who timely files his or her 1999 income tax return without having made a recharacterization may file an amended return and still make the recharacterization within six months of the due date of his or her return, excluding extensions.

We discussed recharacterizations in depth in the November 1999 newsletter. This explanation will be similar except it focuses on explaining to you how you can assist your customer(s) to understand how he or she will need to handle the recharacterization on his or her 1999 income tax return. Recharacterizations are confusing to everyone involved. This is especially true for 1999 contributions which are recharacterized in 2000, because, as with excess contributions, these recharacterization transactions will be reported on the 2000 Form 1099-R and the 2000 Form 5498, which are not furnished until January of 2001 or May 2001, which is obviously well after the time the accountholder needs the information to file his or her 1999 federal income tax return. This is why the IRS requires an IRA custodian to furnish a written explanation to the accountholder.

Three situations are covered: (1) recharacterizing a Roth IRA contribution to be a contribution to a traditional IRA; (2) recharacterizing a contribution to a traditional IRA to be a contribution to a Roth IRA and (3) recharacterizing a conversion contribution.

Situation #1. Annual Roth IRA Contribution Recharacterized to a Traditional IRA Contribution

Lisa Water made a \$2,000 contribution to a Roth IRA on 1-10-99, for 1999. The fair market value of this IRA as of 12-31-99 was \$2,100. Lisa is not married and she is not an active participant in an employer-sponsored plan. Her MAGI was \$123,000. Therefore, she had determined that she is not eligible to make a contribution of a Roth IRA. There were earnings of \$180 related to the contribution of \$2,000 as of 3-3-00. One of the methods to correct an excess contribution is to recharacterize it. She chose to recharacterize this contribution plus earnings on 3-3-00. The fair market value of this IRA as of 12-31-00 will be \$2,400.

Step #1. Accountholder Must Instruct to Recharacterize



Pënsion Digest

Recharacterizing, Continued from page 1

The individual must instruct you (the IRA custodian) to recharacterize. The individual is required to furnish you with very specific information. You can make his/her task easier by making available to your accountholder a form such as CWF's Notice of Recharacteri-

Situation 1, Step #2

Special Explanation to Accountholder for an IRA Recharacterization for the 1999 Tax Year

zation of IRA Contributions as

Custodian) Must Furnish an

You should furnish an expla-

nation to your accountholder

Step #3. You Will Prepare the

Form 1099-R and Form 5498

similar to the one below.

set forth on page 5.

Explanation to the

Accountholder

Step #2. You (the IRA

Lisa Water

(Name of Accountholder)

The purpose of this special explanation is to provide you with information about your redraracterization. You will need to properly report and explain your recharacterization when you file your 1999 federal income tax return. We have furnished to you a copy of the IRA Recharacterization from which you executed. The IRS' instructions require you, as the IRA accountholder, to do too things if you have recharacterized an IRA contribution.

- First, you will need to complete the 1999 Form 8606 and file it with your 1999 Form 1040 (or similar form).
- Second, you need to attach an explanation about the original contribution amount, the amount which was recharacterized, and the amount of earnings which was recharacterized.

You should complete line 15(a) of your 1999 Form 1040 (or similar form) with $\frac{2}{100.00}$. This is the gross arount you recharacterized. You should also complete line 15(b), the taxable arount with <u>0.00</u>. Thus, you will not be required to include any arount in income for 1999 or 2000 because of your recharacterization.

You will want to review the instructions for the Romm 8606 before you complete the Romm 8606. You will either need to complete line 14(b) and/or line 18(c) to indicate the amount recharacterized.

IRA #000 (3/00)

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1. You will prepare a 1999 Form 5498 to report the original contribution to the Roth IRA of \$2,000 as shown below:

2. You will prepare a 2000 Form 1099-R to report the "deemed" distribution from the Roth IRA to the traditional IRA. It should be reported as follows. Box 2 is to be completed with the gross distribution amount (\$2,180) and box 2a is to be completed with a 0.00. The reason code in box 7 is to be an "R" for recharacterization.

3. You will prepare a 2000 Form 5498 to report the recharacterized contribution (plus earnings) to the traditional IRA of \$2,000. It should be reported as shown below:

Situation 1, Step #3(1)

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Roth IRA Custodia	n	than amounts in boxes 2, 3, and 7–10) S Rollover contributions S	- 19999 Form 5498	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no.	PARTICIPANT'S social security number	3 Roth conversion amount		Copy A
42-1234567	111-33-5555	\$		For
PARTICIPANT'S name		4 Fair market value of accourt	1 5 Life insurance cos included in box 1	
Lisa Water			included in box i	Service Center
Elsa Water		\$ 2100.00	\$	File with Form 1096.
Street address (including apt. no.)		6 IRA SEP SIMPLE	Roth IRA Rechar.	Ed IRA Paperwork Reduction Act Notice and
City, state, and ZIP code		7 SEP contributions	8 SIMPLE contribution	ons instructions for completing this
		\$	\$	form, see the
Account number (optional)		9 Roth IRA contributions	10 Ed IRA contributio	ns 1999 Instructions for
		\$ 2000.00	\$	Forms 1099, 1098, 5498, and W-2G.
Form 5498	Ci	at. No. 50010C	Department of the 1	reasury - Internal Revenue Service
				5

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Situation 1, Step #3(2)

PAYER'S name, street address,	city, state, and ZIP code		Gross distribu	tion	ON	IB No. 1545-0119		Distributions From Pensions, Annuities, Retirement or		
Roth IRA Custodia	n	2a Taxable amount \$ 0.00				20 00		Profit-Sharing Plans, IRAs, Insurance Contracts, etc.		
		21	Taxable amou not determine			Total distributio	n 🗌	Copy A For		
PAYER'S Federal identification number	RECIPIENT'S identification number	3	Capital gain (i in box 2a)	ncluded	4	Federal income withheld	tax	Internal Revenue Service Center		
42-1234567	111-33-5555	s			s	0.00		File with Form 1096.		
RECIPIENT'S name		5 \$	Employee cont or insurance pr		6 \$	Net unrealized appreciation in employer's sec		For Privacy Act and Paperwork Reduction Act Notice, see the		
Street address (including apt. n	p.)	7	Distribution code R	IRA/ SEP/ SIMPLE	8 5	Other	%	2000 General Instructions for Forms 1099, 1098, 5498, and		
City, state, and ZIP code		9a	Your percentage distribution	e of total %	9b \$	Total employee cor	tributions	W-2G.		
Account number (optional)		10 _\$ _\$	State tax withh	eld	11	State/Payer's s	state no.	12 State distribution \$ \$		
		13 \$ \$	Local tax with	eld	14	Name of localit	y	15 Local distribution \$ \$		
Form 1099-R	G	at. No	p. 14436O		Di	spartment of the T	reasury -	Internal Revenue Service		

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Situation 1, Step #3(3)

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IRA Custodian		than amounts in boxes 2, 3. and 7-10) \$ 2 Rollover contributions \$ 2180.00	20 00	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no.	PARTICIPANT'S social security number	3 Roth conversion amount		Сору А
42-1234567	111-33-5555	\$		For
PARTICIPANT'S name		4 Fair market value of accourt		Internal Revenue
Lisa Water			included in box 1	Service Center
		_{\$} 2400.00	\$	File with Form 1096
Street address (including apt. no.)		6 IRA SEP SIMPLE	Roth IRA Rechar. Ed	IRA For Privacy Ac
		X		and Paperwork Reduction Act
City, state, and ZIP code		7 SEP contributions	8 SIMPLE contributions	Notice, see the
		\$	\$	2000 Genera
Account number (optional)		9 Roth IRA contributions	10 Ed IRA contributions	Forms 1099, 1098
		\$	\$	5498, and W-2G
Form 5498	c	at. No. 50010C	Department of the Treas	sury - Internal Revenue Service

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January, 2000 Page 3

Recharacterizing, Continued from page 2

Situation #2. Annual Traditional IRA Contribution Recharacterized to be a Roth IRA Contribution

Sara Roe made a \$2,000 contribution to a traditional IRA on 2-10-99, for 1999 rather than a Roth IRA. The fair market value of this traditional IRA was \$2,125 as of 12-31-99. Sara is not married. She is an active participant in an employer-sponsored plan. Her MAGI was \$92,000. There were earnings of \$190 related to the contribution of \$2,000 as of 2-20-00. Sara has determined on 2-20-00 she will recharacterize her traditional IRA contribution to be a Roth IRA contribution because she is not able to claim a deduction for her \$2,000 contribution to the traditional IRA. The fair market value of this IRA as of 12-31-00 will be \$2,300.

Step #1. Accountholder Must Instruct to Recharacterize

The individual must instruct you (the IRA custodian) to recharacterize. The individual is required to furnish you with very specific information. You can make his or her task easier by making available to your accountholder a form such as CWF's Notice of Recharacterization of IRA Contribution as set forth on page 5, or a similar form.

Step #2. You (IRA Custodian) Must Furnish an Explanation to the Accountholder

You should furnish your accountholder an explanation similar to the one below.

Situation 2, Step #2

Special Explanation to Accountholder for an IRA Recharacterization for the 1999 Tax Year

Sara Roe (Name of Accountholder)

IRA #000 (3/00)

The purpose of this special explanation is to provide you with information about your recharacterization. You will need to properly report and explain your recharacterization when you file your 1999 federal income tax return. We have furnished to you a copy of the IRA Recharacterization Form which you executed. The IRS' instructions require you, as the IRA accountholder, to do two things if you have recharacterized an IRA contribution.

- First, you will need to complete the 1999 Form 8606 and file it with your 1999 Form 1040 (or similar form).
- Second, you need to attach an explanation about the original contribution amount, the amount which was recharacterized, and the amount of earnings which was recharacterized.

You have recharacterized your IRA contribution. Specifically, you instructed us on <u>2:20:00</u> to recharacterize a [] traditional \Box Roth (check one) IRA contribution of <u>2:000.00</u> which you had made on <u>2:10:99</u> for taxy year 1999. Your contribution will note treated for federal income tax purposes as if it had been contributed originally to a \Box traditional \Box Roth (check commust be the opposite of type checked above) IRA. The arount of <u>2:190.00</u> has been recharacterized; <u>2:000.00</u> was the contribution amount and <u>2:190.00</u> is the related earnings.

You should complete line 15(a) of your 1999 Form 1040 (or similar form) with \$2,190.00 ... This is the gross amount you recharacterized. You should also complete line 15(b), the taxable amount with ____0_0___. Thus, you will not be required to include any amount in income for 1999 or 2000 because of your recharacterization.

You will want to review the instructions for the Romm 8606 before you complete the Romm 8606. You will either need to complete line 14(b) and/or line 18(c) to indicate the amount recharacterized.

Step #3. You Will Prepare Form 1099-R and Form 5498

1. You will prepare a 1999 Form 5498 to report the original contribution to the traditional IRA of \$2,000. It should be reported as shown below:

2. You will prepare a 2000 Form 1099-R to report the "deemed" distribution from the traditional IRA to the Roth IRA. It should be reported as follows. Box 1 is to be completed with the gross distribution amount (\$2,180) and box 2a is to be completed 0.00. The reason code in box 7 is to be an "R" for recharacterization.

3. You will prepare a 2000 Form 5498 to report the recharacterized contribution (plus earnings) to the Roth IRA of \$2,000. It should be reported as shown below:

Situation 2, Step #3(1) CORRECTED

IRA Custodian	et address, city, state, and ZIP code	IRA contributions (other than amounts in boxes 2, 3, and 7–10) S 2000.00 Rollover contributions	OMB No. 1545-0747	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no.	PARTICIPANT'S social security number	3 Roth conversion amount		Сору А
42-1234567	999-88-6666	\$		For
PARTICIPANT'S name		4 Fair market value of account	5 Life insurance cost included in box 1	Internal Revenue
Sara Roe		s 2125.00	\$	File with Form 1096. For Privacy Act and
Street address (including apt. no.)		6 IRA SEP SIMPLE F	toth IRA Rechar. Ed IRA	Paperwork Reduction Act Notice and
City, state, and ZIP code		7 SEP contributions	8 SIMPLE contributions	instructions for completing this
		\$	\$	form, see the
Account number (optional)		9 Roth IRA contributions	10 Ed IRA contributions	1999 Instructions for Forms 1099, 1098.
		\$	\$	5498, and W-2G.
Form 5498	Ca	it. No. 50010C	Department of the Treasury	- Internal Revenue Service

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Situation 2, Step #3(2)

PAYER'S name, street address	, city, state, and ZIP code	\$	Gross distribut 2190.00 Taxable amou 0.00			18 No. 1545-0119 20 00 'orm 1099-R		Distributions From Insions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
		21	Taxable amou not determine			Total distribution	, 🗆	Copy A For
PAYER'S Federal identification number	RECIPIENT'S identification number	3	Capital gain (ir in box 2a)	ncluded	4	Federal income withheld	tax	Internal Revenue Service Center
42-1234567	999-88-6666	\$			\$	0.00		File with Form 1096.
RECIPIENT'S name Sara Roe		5	Employee conti or insurance pr		6 \$	Net unrealized appreciation in employer's sec	urities	For Privacy Act and Paperwork Reduction Act Notice, see the
Street address (including apt. r	0.)	7	Distribution code	IRA/ SEP/ SIMPLE	8	Other	%	2000 General Instructions for Forms 1099, 1098, 5498, and
City, state, and ZIP code		9a	Your percentage distribution	of total %	9b \$	Total employee corr	tributions	W-2G.
Account number (optional)		10 \$ \$	State tax withh	eld		State/Payer's s	tate no.	12 State distribution S S
		13 	Local tax withh	eld	14	Name of localit	У	15 Local distribution S
Form 1099-R	С	at. No	. 14436Q		De	partment of the 1	reasury -	Internal Revenue Service

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Situation 2, Step #3(3)

Roth IRA Custodian	,	IRA contributions (other than amounts in boxes 2, 3, and 7–10) S Rollover contributions \$ 2190.00	OMB No. 1545-0747	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no. 42-1234567	PARTICIPANT'S social security number 999-88-6666	3 Roth conversion amount \$		Сору А
PARTICIPANT'S name	333-00-0000	 Fair market value of accourt 	t 5 Life insurance cost	For Internal Revenue
Sara Roe		_s 2300.00	s	Service Center File with Form 1096.
Street address (including apt. no.)		6 IRA SEP SIMPLE	Roth IRA Rechar. Ed	IRA and Paperwork Reduction Act
City, state, and ZIP code		7 SEP contributions	SIMPLE contributions s	Notice, see the 2000 General
Account number (optional)		9 Roth IRA contributions \$	10 Ed IRA contributions \$	Instructions for Forms 1099, 1098, 5498, and W-2G.
Form 5498	C	v. No. 50010C	Department of the Trea	sury - Internal Revenue Service

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amount (\$33,900) and box 2a

is to be completed 0.00. The

reason code in box 7 is to be

an "R" for recharacterization.

3. Prepare a 2000 Form

ized contribution (plus earn-

ings) of \$33,900 to the tradi-

ed as shown below:

tional IRA. It should be report-

5498 to report the recharacter-

Pënsion Digest

Recharacterizing, Continued from page 3

Situation #3. Recharacterizing a Conversion Contribution from a Traditional IRA to a Roth IRA

Francoise Bell converted \$30,000 from her traditional IRA to a Roth IRA on 1-15-99. The fair market value of this Roth IRA was \$33,000 as of 12-31-99. She is not married. Her accountant has told her she was not eligible to make the Roth IRA contribution for 1999 as her MAGI was \$103,000. There was income of \$3,900 related to her conversion contribution. In order to eliminate this excess contribution, she elects to recharacterize this conversion contribution on 3-1-00. The fair market value of this IRA as of 12-31-00 will be \$37,000.

Step #1. Accountholder Must Instruct to Recharacterize

The individual must instruct you (the IRA custodian) to recharacterize. The individual is required to furnish you with very specific information. You can make his or her task easier by making available to your accountholder a form such as CWF's Notice of Recharacterization of IRA Contribution asset set forth on page 5 or a similar form. **Step #2. You (IRA Custodian) Must Furnish an Explanation to**

the Accountholder You should furnish an explanation to your accountholder similar to the one below:

Step #3. You Will Prepare Form 1099-R and Form 5498

Situation 3, Step #2

Special Explanation to Accountholder for an IRA Recharacterization for the 1999 Tax Year

Francoise Bell (Name of Accountholder)

The purpose of this special explanation is to provide you with information about your recharacterization. You will need to properly report and explain your recharacterization when you file your 1999 federal income tax return. We have furnished to you a copy of the IRA Recharacterization form which you executed. The IRS' instructions require you, as the IRA accountholder, to do too things if you have recharacterized an IRA contribution.

- First, you will need to complete the 1999 Romm 8606 and file it with your 1999 Romm 1040 (or similar form).
- Second, you need to attach an explanation about the original contribution amount, the
 amount which was recharacterized, and the amount of earnings which was
 recharacterized.

You should complete line 15(a) of your 1999 Form 1040 (or similar form) with \$33,90.00. This is the gross amount you recharacterized. You should also complete line 15(b), the taxable amount with ____0_0__. Thus, you will not be required to include any amount in income for 1999 or 2000 because of your recharacterization.

You will want to review the instructions for the Fourm 8606 before you complete the Fourm 8606. You will either need to complete line 14(b) and/or line 18(c) to indicate the amount recharacterized. 1. You will prepare a 1999 Form 5498 to report the original conversion contribution to the Roth IRA of \$30,000 as shown below:

2. You will prepare a 2000 Form 1099-R to report the "deemed" distribution from the Roth IRA to the traditional IRA. It should be reported as follows. Box 1 is to be completed with the gross distribution

Situation 3, Step #3(1)

CORRECTED

Roth IRA Custodian		th 3, \$	contributions (other an amounts in boxes 2, , and 7–10) ollover contributions	19 99 Form 5498	/	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no.	PARTICIPANT'S social security number	3 R	oth conversion amount			Сору А
42-1234567	333-99-6666	\$	30000.00			For
PARTICIPANT'S name		4 F;	air market value of account	5 Life insurance co included in box 1	st	Internal Revenue Service Center
Francoise Bell		\$	33000.00	\$		File with Form 1096.
Street address (including apt. no.)		6	RA SEP SIMPLE R	oth IRA Rechar.	Ed IRA	For Privacy Act and Paperwork Reduction Act Notice and
City, state, and ZIP code		7 S	EP contributions	8 SIMPLE contribut	ions	instructions for completing this
		\$		\$		form, see the
Account number (optional)		9 R	oth IRA contributions	10 Ed IRA contributi	ons	1999 Instructions for Forms 1099, 1098.
		\$		\$		5498, and W-2G.
arm 5498	Ci	at. No	50010C	Department of the	Treasury	Internal Revenue Service

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Situation 3, Step #3(2)

PAYER'S name, street address,	city, state, and ZIP code	1	Gross distribu	tion	OM	IB No. 1545-0119		Distributions From Insions, Annuities,
		s	33900.00			2000		Retirement or Profit-Sharing
Roth IRA Custodia	n	22	Taxable amou	nt		orm 1099-R		Plans, IRAs, Insurance Contracts, etc.
		21	Taxable amou not determine			Total distributio	n 🗆	Copy A For
PAYER'S Federal identification number	RECIPIENT'S identification number	3	Capital gain (ir in box 2a)	ncluded	4	Federal income withheld	tax	Internal Revenue Service Center
42-1234567	333-99-6666	s			s	0.00		File with Form 1096.
RECIPIENT'S name Francoise Bell		5 \$	Employee cont or insurance pr	emiums		Net unrealized appreciation in employer's sec	urities	For Privacy Act and Paperwork Reduction Act Notice, see the
Street address (including apt. no	5.)	7	Distribution code	IRA/ SEP/ SIMPLE	\$ 8 \$	Other	%	2000 General Instructions for Forms 1099,
City, state, and ZIP code		9a	Your percentage distribution	of total %	9b \$	Total employee con		W-2G.
Account number (optional)		10 \$ \$	State tax withh	eld	11	State/Payer's s	tate no.	12 State distribution S
		13 . \$. \$	Local tax withh	eld	14	Name of localit	y	15 Local distribution S
orm 1099-R	0	at Nr	144360		De	martment of the T	0.30.04	Internal Revenue Service

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Situation 3, Step #3(3)

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IRA Custodian	a avoress, cay, sidle, and zie cove	Reflower contributions S S S S S S S S S S S	- 2000 Form 5498	IRA Contribution Information
TRUSTEE'S or ISSUER'S Federal identification no. 42-1234567	PARTICIPANT'S social security number 333-99-6666	3 Roth conversion amount \$	L	Copy A
PARTICIPANT'S name Francoise Bell		4 Fair market value of account \$ 33900.00	5 Life insurance cost included in box 1 \$	Internal Revenue Service Center File with Form 1096.
Street address (including apt. no.)		6 IRA SEP SIMPLE F	Roth IRA Rechar. Ed IR/	Reduction Act
City, state, and ZIP code		7 SEP contributions \$	8 SIMPLE contributions \$	Notice, see the 2000 General Instructions for
Account number (optional)		9 Roth IRA contributions \$	10 Ed IRA contributions \$	Forms 1099, 1098, 5498, and W-2G.
5498	C	+ No. E0010C	Dependence of the Tenerous	Lateral Development Carrie

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IRA #000 (3/00)



Recharacterizing, Continued from page 4

Conclusion. You will need to be ready to handle your accountholder requests to recharacterize an IRA contribution. Recharacterizations are confusing. This is especially true for 1999 contributions which are recharacterized in 2000, because, as with excess contributions, these recharacterization transactions will be reported on the 2000 Form 1099-R and the 2000 Form 5498 which are not furnished until January of 2001 or May 2001, which is obviously well after the time the accountholder needs the information to file his or her federal income tax return. This is why the IRS requires an IRA custodian to furnish a written explanation to the accountholder. We have enclosed the 1999 Form 8606 on page 8. ◆

CWF Form 54-TR

To: Current Custodian/Trustee	
Name	Date:
Address:	11110-
City/Btate/Zip:	
Phone: ()	
From: Depositor or Grantor	
Name :	SSN
Adiress:	Date of Birth:
City/State/Zip:	Phone: - Home:
I hereby instruct you that I wish to irrevocably recharacterize my previous o	Work:
or a successor custodian/trustee as indicated below. If I have indicated a su	
cated below to the successor custodian or trustee. I understand I must provide	the following information to have my previous contribution recharacterized
The Original Contribution	The Recharacterized Contribution
Account Number: Date of Contribution:	Account Number:
Amount:	Amount:
Type of Original Contribution (Check only one)	Type of Recharacterized Contribution
1. Conversion/Rollower to Roth IRA	→ 1. Rollower to a traditional IRA
1. Conversion/Rollover to Roth IRA 2. Jenual Contribution to a Roth IRA for tax year 3. Jenual contribution to a traditional IRA for tax year	➤ 2. Annual contribution to a traditional INA for the same tax year
3. Annual contribution to a traditional IPA for tax year	→ 3. Annual Contribution to a Roth IRA for the same tax year
Instruction and Amo	unt to Recharacterize
I elect to recharacterize \$	Liquidate all of my accounts and transfer the cash proceeds by sending
Which is all or a portion of my original contribution.	a check to the successor custodian/trustee;
It is adjusted by:	Liquidate the accounts I specify below and transfer the cash proceeds
a. Related Earnings (Lesses) b. Interest Penality For	by sending a check to the successor custodiar/trustee:
c. Administrative Res	
d. Other	
e. Recharacterized Net Amount	Transfer all such assets "in kind" to the successor custodian/trustee:
I instruct you to transfer the recharacterized net amount to the successor	The manufacture of the labor of the second of the second s
custodian/trustee. I want this recharacterized net amount to come from the following assets held within my referenced IRA and paid in the instructed	Transfer " in kind" the assets I specify below to the successor custodian/trustee:
manner. I understand that there may be various fees associated with liqui -	
dating and/or transferring such assets in kind. These fees are set forth above.	
I authorize you to deduct such fees from the IRA.	
I admosledge that you have instructed me to consult with my legal or tax adv	ing here of the complexity and investment of this matter. This verbaras
terization is being made on or before the due date (including extensions) for fi	
contribution was made. I expressly assume all responsibility for this recharact	erization of IRA funds. I realize that my election to recharacterize my contri-
hution is immocable. Signature of Depositor or Grantor:	Date:
	Duc.
Acknowledgment of Current IRA Custodian/Trustee:	
We admixeledge receiving your recharacterization instruction. We will report bution (annual, conversion, etc.) and will report the distribution for recharact	
ized contribution has been made into an IRA that you maintain with us, then	
5498. Signature of Current Custodian/Trustee:	Date:
	Date.
Acceptance by Successor IRA Custodian/Trustee:	
We, the successor custodian/trustee, agree to report this recharacterized cont to accept this contribution as if it had originally been made to us rather than t	
	Proce
Successor Custodian/Trustee:	
Address:	
City/State/Zip:	
Signature of Successor Custodian/Trustee:	Date:



WHAT IS AN EDUCATION IRA?

An IRA that is set up to pay the **qualified higher education expenses** of a designated beneficiary.

WHERE CAN IT BE ESTABLISHED?

It can be opened in the United States at any bank or other IRSapproved entity that offers Education IRAs.

FOR WHOM CAN AN EDUCATION IRA BE SET UP?

Any child who is under age 18.

WHO CAN CONTRIBUTE TO AN EDUCATION IRA?

Generally any individual (including the beneficiary) whose **modified adjusted gross income** for the year is not more than \$110,000 (\$160,000 for married taxpayers filing jointly).

IN 1999, WHAT IS THE LAST DAY A CONTRIBUTION TO AN EDUCATION IRA COULD HAVE BEEN MADE? December 31, 1999

ARE CONTRIBUTIONS DEDUCTIBLE? No

WHY SHOULD SOMEONE CONTRIBUTE TO AN EDUCATION IRA?

It is a tax benefit for families saving for higher education costs.

WHAT IS THE CONTRIBUTION LIMIT?

\$500 each year for each child.

WHAT IF MORE THAN ONE EDUCATION IRA HAS BEEN OPENED FOR THE SAME CHILD?

The annual contribution limit is \$500 for each child, no matter how many Education IRAs are set up for that child.

WHAT IF MORE THAN ONE INDIVIDUAL MAKES CONTRI-BUTIONS FOR THE SAME CHILD?

The contribution limit is \$500 per child, no matter how many individuals contribute.

CAN CONTRIBUTIONS OTHER THAN CASH BE MADE TO AN EDUCATION IRA? No.

WHEN MUST CONTRIBUTIONS STOP?

No contributions can be made to a child's Education IRA after he or she reaches age 18. \blacklozenge

Pënsion Digest

THE IMPACT OF THE PRIVACY RULES OF THE GRAMM-LEACH-BLILEY ACT OF 1999

President Clinton signed the Gramm-Leach-Bliley Act of 1999 into law on November 12, 1999. There are seven titles to this Act. This article discusses the privacy law set out in Title V of the Act. These privacy laws are very broad and will apply to IRA customers and other pension customers. To a certain degree, privacy rights exist for an IRA accountholder because of the fiduciary relationship.

Regulations to implement these laws are required to be finalized not later than six months after the date of enactment (i.e. November 12, 1999). The privacy rules take effect six months thereafter unless the regulations provide a later date. So, financial institutions must be ready to comply with the privacy rules on November 12, 2000.

This article does not discuss the other titles of the Act— Title I – Facilitating Affiliation Among Banks, Securities Firms and Insurance Companies, Title II – Functional Regulation, Title III – Insurance, Title IV – Unitary Savings and Loan Holding Companies, Title VI – Federal Home Loan Bank System Modernization, and Title VII -Other Provisions.

The stated goal of this Title is the protection on nonpublic

personal information. "It is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers' nonpublic personal information." The applicable regulatory agencies are to establish standards for the financial institutions they regulate relating to administrative, technical, and physical safeguards— (1) to insure the security and confidentiality of customers' records and information; (2) to protect against any anticipated threats or hazards to the security or integrity of such records; and (3) to protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customers.

Note that the Title defines the term "customer" very broadly. It covers individuals and businesses. Section 527 provides this definition. The term "customer" means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as fiduciary. However, in some sections of this Title the term, "consumer" is used rather than "customer."

The general rule is—a financial institution may not, directly or through an affiliate, disclose to a nonaffiliated third party any nonpublic personal information, unless such institution provides or has provided to the consumer a complying disclosure pursuant to section 503. If the disclosure is provided, then it is permissible for the financial institution to disclose nonpublic personal information to a nonaffiliated third party.

Alternatively, a financial institution may not disclose to a nonaffiliated third party any nonpublic personal information, unless such institution clearly and conspicuously discloses to the consumer that such information may be disclosed to such third party; the consumer is given the opportunity before such disclosure happens to direct that such information not be disclosed to such third party; and the consumer is given an explanation of how the consumer can exercise that nondisclosure option. Exception: This alternative rule shall not prevent a financial institution from providing nonpublic personal information to a nonaffiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services, or financial products or services offered pursuant to joint agreements between two or more financial institutions that comply with the requirements imposed by the regulations prescribed under section 504, if the financial institution fully discloses the providing of such information into a contractual agreement with the third party that requires the third party to maintain the confidentiality of such information.

A nonaffiliated third party's use of this nonpublic personal information is now limited by law. Except as permitted by this subtitle, a nonaffiliated third party that receives information from a financial institution shall not, directly or through an affiliate, disclose such information to any other person that is a nonaffiliated third party of both the financial institution and such receiving third party, unless such disclosure would be lawful if made directly to such other person by the financial institution. ◆

MANDATORY DISCLOSURE REQUIREMENT

Each financial institution must disclose the institution's policies and practices with respect to: (1) disclosing nonpublic personal information; (2) disclosing nonpublic personal information of persons who have ceased to be customers of the financial institution; and (3) protecting the nonpublic personal information of consumers (not customers). This disclosure must be furnished at the time the customer relationship is established with a consumer and not less than annually during the continuation of such relationship. The disclosure must be clear and conspicuous; it may be furnished in writing, in electronic form or other form as permitted by the regulation.

The disclosure shall include:

(1) the policies and practices of the institution with respect to disclosing nonpublic personal information to nonaffiliated third parties, other than agents of the institution, consistent with section 502 and including: (i) the categories of persons to whom the information is or may be

Mandatory Disclosure, Continued from page 6

disclosed, other than the person to whom the information may be provided pursuant to section 502(e) and (ii) the policies and practices of the institution with respect to disclosing nonpublic personal information of persons who have ceased to be customers of the financial institution.

(2) the categories of nonpublic personal information that are collected by the financial institution;

(3) the policies that the institution maintains to protect the confidentiality and security of nonpublic personal information; and

(4) the disclosure required,if any, under section603(d)(2)(A)(iii) of the FairCredit Reporting Act.

The term "customer information of a financial institution" means any information maintained by or for a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

The term "document" means any information in any form.

The term "financial institution" means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust or other financial account or relationship with the institution. It includes any depository institution, any broker or dealer, any investment adviser or investment company, any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. The term "financial institution" does not include any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act and does not include the Federal Agricultural Mortgage Corporation or any entity charted and operating under the Farm Credit Act of 1971. The Federal Trade Commission, after consultation with the other regulators, may prescribe regulations clarifying or describing the types of institutions which shall be treated as financial institutions for purposes of this Title. \blacklozenge

COMBINED INFORMATION REPORTING AFTER A MERGER OR ACQUISITION

The IRS has created a new procedure (i.e. an alternative) to allow combined information reporting by a successor business entity in certain situations following a merger or acquisition. On December 27, 1999, the IRS issued Revenue Procedure 99-50.

A financial institution involved in a merger or acquisition will want to determine if it will qualify to use the new alternative procedure and if so, will it benefit by its use. Both the predecessor and the successor will want to make this determination. As is well known, there is a substantial amount of liability associated with preparing and filing reporting forms. A predecessor will be relieved of its filing requirements only if the successor satisfies each of the requirements set forth in Rev. Proc. 99-50.

This revenue procedure is effective for the filing of forms filed after December 31, 1999. However, if such reporting forms were filed by the successor before 12-31-99 and there has been substantial compliance with the requirements of Rev. Proc. 99-50, then the predecessor's filing requirements are deemed satisfied.

With respect to what reporting forms may a financial institution use the new alternative procedure?

It may be used for preparing and filing certain Forms 1042-S, all forms in the series 1098, 1099, and 5498, and Forms W-2G. Thus, it applies to the major IRA forms, 1099-R and the 5498.

What conditions must be met to use the new procedure?

There are five (5) conditions to be met.

1. The successor business entity must acquire substantially all of the property (1) used in the trade or business of the predecessor (including certain situations when one or more corporations are absorbed by another corporation pursuant to a merger agreement or (2) used in a separate unit or trade or business of the predecessor. 2. During the pre-acquisition portion of the "acquisition year" (the calendar year in which the acquisition occurs), the predecessor is required to file information returns as a result of making or receiving payments, or withholding or collecting taxes, as provided under the appropriate sections of the Code and regulations set forth above;

3. During the post-acquisition portion of the acquisition year, the predecessor (for an acquisition described in section 3(1)(a)) or the separate unit of the predecessor (for an acquisition described in section 3(1)(b)) does not make or receive any such payments and does not withhold or collect any such tax;

4. The requirements of section 5 of this revenue procedure are met; and

5. The Internal Revenue Service instructions or publications relating to Forms 1042-S, a specific form in the series 1098, 1099, or Form 5498, or Forms W-2G do not prohibit use of the alternative procedure described in section 5.

The Standard Procedure

Each person that makes or receives payments or withholds or collects taxes that are reportable is responsible to report those transactions. Thus, unless the alternative procedure is used, both the predecessor and the successor entity must file the reporting forms to report "their" reportable transactions occurring in the acquisition year.

The Alternative Procedure

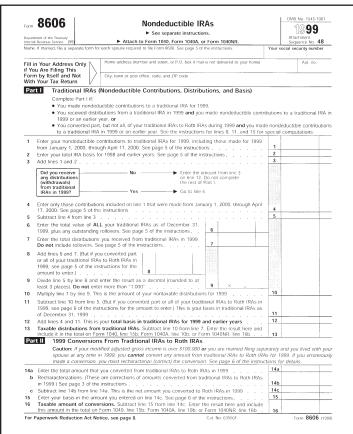
The predecessor and successor must agree in writing upon those specific forms to which the alternative proce-



January, 2000 Page 8

Pënsion Digest

IRS Form 8606



Par	t III Distributions From Roth IRAs		Page 2
	There is a worksheet on page 6 of the instructions to help you keep track of your cor year-end balances in your Roth IRA. You may need these amounts in future years.	tributions.	distributions, and
,	Enter the total Roth IRA distributions (withdrawals) you received in 1999. Do not include rollovers ,	17	
Ba	Enter your basis in your Roth IRA contributions for 1998. See page 6 of		
	the instructions		
b	Enter your Roth IRA contributions for 1999, including those made for 1999 from January 1, 2000, through April 17, 2000. Do not include rollovers or amounts converted from traditional IRAs		
c	Recharacterizations of 1999 contributions to or from Roth IRAs. See		
	page 6 of the instructions		
	Combine lines 18a through 18c	18d 19	
)	Subtract line 18d from line 17. If zero or less, enter -0- and do not complete the rest of Part III	19	
	Note: If you converted amounts from traditional IRAs to Roth IRAs in 1998 and elected to report the taxable income over 4 years, go to line 20a; otherwise, skip to line 21.		
Da	Subtract the amount from your 1998 Form 8606, line 17, from the amount	1985	
	on line 16 of that form and enter the result	1998	
b	Enter the amount, if any, from your 1998		
	Form 8606, line 22		
с	Enter the 1999 taxable portion of your 1998		
	Roth IRA conversion. See page 7 of the instructions. Be sure to include this amount	18.E	
	on line 27	8121	
d	Add lines 20b and 20c		
е	Subtract line 20d from line 20a. If zero or less, enter -0-	21	1
,	Enter the smaller of line 19 or line 20e. If line 20e is blank, enter -0	22	
3	Enter your basis in your Roth IRA conversions for 1998. See page 7 of	1005	
	the instructions		
4	Enter the amount, if any, from line 14c of this form	11:2010	
5	Add lines 23 and 24	25 26	
6 7	Subtract line 25 from line 19. If zero or less, enter -0-	20	
<i>'</i>	on Form 1040, line 15b; Form 1040A, line 10b; or Form 1040NR, line 16b	27	
	Note: You may be subject to an additional 10% tax. See page 7 of the instructions for details.		
Par	t IV Distributions From Education (Ed) IRAs		
	Caution: For 1999, a beneficiary can receive total contributions to Ed IRAs of up to \$500. See contributions exceeded \$500.	page / of	the instructions
3	Enter the total Ed IRA distributions (withdrawals) you received in 1999. Do not include rollovers	28	
÷	Do you elect to waive the exclusion from income for Ed IRA distributions? If you check "No" and		
	exclude from income any portion of an Ed IRA distribution, no Hope or lifetime learning credit will be		
	allowed for your 1999 qualified tuition and related expenses.	29	
	Yes. Enter -0 No. Enter your qualified higher education expenses for 1999.	29	
D	Taxable amount. Is line 28 equal to or less than line 29?		
	Ves. Enter -0-; none of your Ed IRA distributions are taxable for 1999. But you should		
	complete the worksheet on page 7 of the instructions to figure your basis in your		
	Ed IRAs. You may need to know your basis in future years.	30	
	No. See the worksheet on page 7 of the instructions for the amount to enter. Also include this amount in the total on Form 1040, line 15b; Form 1040A, line 10b; or Form	111月1日日	
	1040NR, line 16b.		
	Note: If you have a taxable amount on line 30, you may be subject to an additional 10% tax. See		
	page 8 of the instructions for details, including exceptions to the additional tax.	140.388	
	Here Only if You Filing This Form	ttachments, a	ind to the best of m
re y It	self and Not With		

Reporting After a Merger, Continued from page 7

dure will be used. Most likely the purchase/sales or merger agreement will cover how the reporting tasks will be satisfied.

There is not an "all or nothing" requirement. The predecessor and successor may agree to use the alternative procedure for all of the reporting forms or they may agree to limit the use of this alternative procedure to (1) certain specified forms or (2) certain specified forms or (2) certain specified reporting entities. Many times there is a unit, branch or location within a particular business entity which files its own separate information returns.

On each "appropriate form" the successor must combine (1) the payments made or received on account of a person by the predecessor in the pre-acquisition portion of the year with (2) the payments made or received on account of that person by the successor in that year, if any, and must report the aggregate amounts on account of that person for that year.

On each "appropriate form" the successor must also combine the amount of any tax withheld for a person by the predecessor in the pre-acquisition portion of the year with (2) the tax withheld for that person by the successor in that year, if any, and must report the aggregate amounts on account of that person for that year.

The successor must also file a written statement with the IRS indicating that the appropriate forms are being filed on a combined basis in accordance with the requirements of Rev. Proc. 99-50. In addition, because tax most likely has been withheld (and paid to the IRS) by both the predecessor and successor, the written statement must reflect the amount of tax withheld by each. It must also include the name, address, telephone number, and Employer Identification Number of both the successor and predecessor, and the name and telephone number of the person responsible for preparing this written statement. The written statement for Forms 1042-S must be attached to the Form 1042 and mailed to the address for filing the Form 1042 (appearing in the instructions to the form) on or before the date the Form 1042 is due. This written statement for forms in the series 1098, 1099, 5498 and Form W-2G must be filed separately from such forms and Form 945. Unless directed otherwise by the instructions for the applicable forms, the written statement must be mailed to the following address on or before the date those forms are due:

Internal Revenue Service Martinsburg Computing Center 230 Murall Drive Attention: Chief, Information Returns Branch Mail Stop 360 Kearneysville WV 25430

Many IRS forms can be downloaded from their website at: http://www.irs.ustreas.gov/prod/forms_pubs/ formpub.html

The forms are available in PDF format, which will require Adobe Reader to read the file. If you don't have this plug-in, it is available free, with easy installation instructions, at: http://www.adobe.com/products/ acrobat/readstep.html