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ALSO IN THIS ISSUE –

Collin W. Fritz and Associates, Inc.,
"The Pension Specialists"

Why Does an IRA Accountholder Want to do a Qualified HSA Funding Distribution?

The federal income tax laws authorize an IRA accountholder to move IRA funds to an HSA on a tax-free basis. IRA funds are generally taxable when distributed. In 2011 it is permissible for an IRA accountholder, age 58, who also has family HDHP coverage and is otherwise eligible to make an annual HSA contribution, to move $7,150 from his or her IRA to an HSA. There is no taxation when this is done. If the individual then withdraws funds from the HSA to pay qualified medical expenses, that distribution too is tax-free.

What guidance has the IRS issued on Qualified HSA Funding Distributions? The IRS issued Notice 2008-51 in June of 2008. The following rules apply to HSA funding distributions.

1. This tax-free transfer counts against the individual's maximum annual HSA contribution for the tax year of the transfer/distribution. Thus, if the IRA distribution takes place in 2011, then the 2011 HSA contribution limit applies. The fact that this tax-free transfer counts against the contribution limit does not mean that the individual is able to claim a tax deduction for the transfer amount. He or she cannot. To allow a tax deduction, would be to allow a second tax benefit in addition to the tax-free treatment. This Notice makes clear that the maximum contribution amount includes any catch-up amount, if applicable. For example, in 2011, an IRA owner who is an eligible individual with family HDHP coverage at the time of the distribution and who is age 55 or over by the end of the year is allowed a qualified HSA funding distribution of $7,150 for 2011 ($6,150 plus $1,000). An IRA owner who is an eligible individual with self-only HDHP coverage, and who is age 55 or over December 31, 2011 is allowed a qualified HSA funding distribution of $4,050 for 2011 ($3,050 + $1,000).

   The maximum amount which can be transferred tax-free is determined at the time of the transfer and not later in the year. A person who is covered under a HDHP in March of 2011 may transfer from an IRA to an HSA in March the "family" amount even though later in 2011 he switches to a "single" HDHP. The IRS has concluded that there will be no penalty for switching to the "single" coverage. The person is still allowed the benefit of transferring the family amount. See Example 5 as set forth below.

   Example 5. Individual D, age 43, enrolls in family HDHP coverage on January 1, 2011, is otherwise an eligible individual on January 1, and remains an eligible individual through December 31, 2012. D owns an IRA with a balance of $17,500. A qualified HSA funding

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distribution of $6,150 is made from D's IRA trustee directly to D's HSA trustee on March 18, 2011. On June 1, D changes from family HDHP coverage to self-only HDHP coverage. The $6,150 distribution from the IRA is not included in D's gross income and is not subject to the additional tax under §72(t). The qualified HSA funding distribution of $6,150 equals D's maximum annual HSA contribution at the time the transfer occurred. D's testing period begins in March 2011 and ends on March 31, 2012.

2. This tax-free transfer (qualified HSA funding distribution) is a type of contribution. However, it is more like a rollover contribution than an annual contribution even though it counts against the annual contribution limit. Therefore, the IRS has concluded that the contribution relates to the tax year in which the transfer is actually made and that a person cannot use the special rule that a contribution is timely if made before the deadline for filing the individual's federal income tax return because the contribution is deemed made on the last day of the preceding tax year. That is, an individual cannot during the carryback period (January 1 to April 15) designate this special transfer as being for the prior tax year.

3. The transaction will be tax-free only if it is done by a direct transfer (i.e. HSA custodian to HSA custodian). As with the tax-free charitable distribution which can be accomplished only by a direct transfer, the IRS has determined that as long as the check is made payable to the HSA custodian or trustee, then the check may be given to the individual who then delivers the check to the HSA custodian or trustee.

4. A person is allowed only one tax-free transfer HSA funding distribution during his or her lifetime. One means one. Therefore, if a person has two or more IRAs and wants to use amounts in multiple IRAs to make the tax-free transfer, if eligible, the individual must first make an IRA to IRA or Roth IRA to Roth IRA transfer of the amounts to be distributed into a single IRA, and then make the one tax-free transfer. The IRS points out that a person who has both a traditional IRA and a Roth IRA will only be able to do the transfer from one or the other IRA.

5. There is the one special situation where the law expressly authorizes two tax-free transfers. An individual who makes a tax-free transfer from his traditional IRA or Roth IRA to his HSA while he is covered under a self-only HDHP is permitted a second tax-free transfer if later in the same tax year he acquires family HDHP coverage. Both such transfers will count against the contribution limit for the year. Each such transfer will have its own testing period for recapture tax purposes. Set forth below is IRS Example #4.

   Example 4. Individual C, age 38, enrolls in self-only HDHP coverage on January 1, 2011, is otherwise an eligible individual on January 1, and remains an eligible individual through December 31, 2012. C owns an IRA with a balance of $12,550. A qualified HSA funding distribution of $3,050 is made from C's IRA trustee directly to C's HSA trustee on June 4, 2011.

   On August 1, C enrolls in family HDHP coverage. A transfer of $3,100 is made from C's IRA trustee directly to C's HSA trustee on August 15, 2011.

   The $3,050 and $3,100 distributions are qualified HSA funding distributions. The distributions from the IRA are not included in C's gross income and are not subject to the additional tax under §72(t). The qualified HSA funding distributions of $6,150 ($3,050 + $3,100) equal C's 2011 maximum annual HSA contribution. C's testing period for the first qualified HSA funding distribution begins in June 2011 and ends on June 30, 2012and the testing period for the second qualified HSA funding distribution begins in August 2011 and ends on August 31, 2012.

6. An inheriting IRA beneficiary has the right to make a tax-free transfer of his or her inherited IRA interest to his or her own HSA. It is certainly not clear that Congress intended to allow a beneficiary to make a tax-free transfer from a decedent's IRA to his or her own HSA, but the IRS has authorized

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such a transfer in this Notice. And it gets better. When a beneficiary transfers funds from his or her inherited IRA to an HSA, such a transfer will count to satisfy his or her IRA required distribution from the inherited IRA.

7. The IRS has adopted an approach allowing any traditional IRA and/or Roth IRA funds to be transferred to an HSA, including non-taxable basis. However, if a person chooses to transfer his or her basis from either a traditional IRA and/or Roth IRA, the individual will not be able to carry over this basis to his or her HSA. The IRS has adopted the position that the general HSA distribution rule will be applied even if a person has transferred IRA basis into his or her HSA. Example – an individual transfers $3,000 of nontaxable Roth IRA contributions and then later withdraws the $3,000 from the HSA and uses it for non-medical reasons. The individual will owe income tax on the $3,000 and also owe the 20% tax, if applicable.

8. Under current IRS reporting rules, the IRA custodian will report the IRA distribution as it reports any other IRA distribution. It will be reported as being taxable; it will be up to the individual to complete his or her tax return to show it as being nontaxable. The contribution made to the HSA is reported as an annual contribution.

9. A person who has established a substantially equal periodic payment schedule with respect to his or her IRA is eligible to make a tax-free transfer to his or her HSA. The amount transferred will not be taxed and will not be subject to the 20% additional tax. However, a determination will need to be made whether or not the qualified HSA funding distribution results in an impermissible modification. If there is an impermissible modification, then the recapture tax of Code section 72 applies to the previous payments.

   We believe an individual age 58 with a family HDHP who normally received his SEPP distribution of $14,400 in October of each year by having it withdrawn and placed in his checking account could in 2008 instruct that he wanted the $14,400 handled as follows. $6,700 was to be transferred to his HSA and the remaining $7,700 placed in his checking account. In this example, the is no impermissible modification of the SEPP schedule. However, there would be an impermissible modification of the schedule if he instructed to transfer $6,700 to his HSA in addition to his scheduled distribution of $14,400.

10. A literal reading of the law is that this type of tax-free transfer may not be made from a SEP-IRA or SIMPLE-IRA to an HSA. As with the tax-free charitable distributions, the IRS played word games and changed the rule to be – a person will be able to take funds from their SEP-IRA or SIMPLE-IRA and transfer them to their HSA as long as such SEP or SIMPLE <u>is not an "on-going" plan</u>. That is, the transfer is permissible as long as the employer has not made an employer contribution for the plan year ending with or within the SEP-IRA or SIMPLE-IRA owner's tax year.

11. The traditional or Roth IRA custodian or trustee is allowed to rely upon the instructions of the IRA owner that he or she qualifies to do this tax-free transfer as long as such representations are reasonable. CWF Form #66-HSA obtains this reasonable representation.

    Being a tax-free transfer, the IRS has ruled that the withholding rules do not apply because the IRA accountholder is deemed to have elected out of withholding.

12. The IRS has expressly stated that an employer has no responsibility to report whether an employee remains an eligible individual during a testing period. The IRS is silent as to whether or not the HSA custodian or trustee has any duty to do any special reporting regarding testing periods. One would think not, but it may be that the IRS was not ready to expressly state that an HSA custodian or trustee has no reporting duties with respect to the various testing periods. ◆

Administering HSAs After HSA Owner Dies for a Nonspouse Beneficiary

HSAs first became available in 2004. HSA custodians are now having to deal with situations where an HSA owner dies and the funds must be paid to the HSA beneficiary(ies). What IRS reporting is required when an HSA owner dies during 2011 with respect to the deceased HSA owner, any surviving spouse beneficiary and any nonspouse beneficiaries? The purpose of this article is to discuss the guidance which the IRS has given and not given regarding the IRS reporting duties for the HSA custodian and the tax consequences arising when an HSA owner dies. The IRS reporting for a deceased HSA owner and beneficiaries is not the same as the reporting required for a deceased IRA accountholder and beneficiaries.

Article VII of IRS Model Form 5305-C for HSAs restates the tax rules applying when the HSA owner dies. If the beneficiary is the HSA owner's spouse, the HSA becomes the surviving spouse's HSA as of the date of death. There is no election to treat as own. In all other beneficiary situations, the HSA ceases to be an HSA as of the date of death. If the HSA beneficiary is the estate of the HSA owner, then the HSA's fair market value as of the date of death is taxable on the HSA owner's final return. For other beneficiaries, the HSA's fair market value as of the date of death is taxable to that person in the tax year which includes the date of death.

Taxable HSA distributions are reported by a recipient, including a nonspouse beneficiary, on line 21, "Other Income" on the Form 1040. There is no dedicated line on the Form 1040 for HSA distributions as there is for IRA distributions (lines 15a and 15b) and for pension distributions (lines 16a and 16b). The amount taxable to a beneficiary other than the estate is reduced by any qualified medical expenses of the decedent that are paid by the beneficiary within one year after the date of death.

The IRS has had to adopt an administrative approach to deal with the issues related to the law that states an HSA ceases to be an HSA as of the date of death of the HSA owner. How quickly must the HSA be closed by the HSA custodian? What is to be done with the interest earned by the HSA after the date of death? Is this income taxable to the beneficiary and how and when does the HSA custodian report it? Does the HSA custodian need to set up inherited HSAs for each beneficiary?

The IRS has provided limited guidance on the topic of how quickly an HSA must be closed once the HSA custodian (and/or the HSA beneficiary) have knowledge that the HSA owner has died. Until the IRS issues additional guidance, here are CWF's suggestions.

There will be times when the HSA custodian knows of the HSA owner's death, but not the HSA beneficiary(ies). We suggest the HSA custodian communicate with a nonspouse HSA beneficiary informing him or her of being a designated HSA beneficiary and the rule that the decedent's HSA ceased to be an HSA as of the date of death. Inform the beneficiary of your standard beneficiary procedures (be furnished copy of death certificate and complete an HSA distribution form) and that it would be best to close the decedent's HSA within the next 30-45 days. The funds would either be paid to the beneficiary or deposited into an existing account. If a beneficiary is uncooperative, be aware that most HSA plan agreements authorize the HSA custodian, either expressly or implicitly, to make a distribution to the HSA beneficiary(ies) once the bank has knowledge of the HSA owner's death.

There will be times when the HSA beneficiary knows the HSA owner has died, but the HSA custodian does not yet know of the death. The IRS understands this. It knows that many times the HSA custodian is not told of the HSA owner's death in a timely fashion. It is fairly common that the HSA custodian not be told of the HSA owner's death until the following year.

An HSA custodian must prepare with respect to an HSA owner the Form 5498-SA to report contributions and the fair market value as of December 31 and an HSA custodian must prepare the Form 1099-SA to report distributions from HSAs and the fair market value of the HSA as of the date of death.

Discussion of the 5498-SA Duties.

The IRS instructions provide that an HSA custodian must file a Form 5498-SA and furnish a statement copy for the decedent's representative for the year of the HSA owner's death. For purposes of this article, it is assumed the HSA owner died in 2011. For 2011, the value to be reported is the value as of the date of death. Unlike with IRAs, there is no indication that the HSA custodian has the choice of reporting in the fair market value box on the 2011 Form 5498-SA the value as of the date of death or a $0.00. For the 2012 Form 5498-SA, the value to be reported is the value as of December 31, 2012. In most eases, this will be zero if the HSA funds were withdrawn from the decedent's HSA and moved/distributed to the nonspouse beneficiary(ies).

The HSA custodian is not required to prepare a Form 5498-SA for an inheriting HSA beneficiary for the year of death or for any subsequent year showing his or her fair market value as of December 31.

Discussion of the 1099-SA Duties.

The HSA custodian is required to prepare the Form 1099-SA to report "distributions" to the HSA beneficiary(ies).

If an HSA custodian learns of the HSA owner's death and makes a distribution to the beneficiary in the year of death, complete the 2011 Form 1099-SA as follows:

Box 1 (gross distribution);

Box 3 - code 4 and

Box 4 - FMV on date of death.

If an HSA custodian learns of the HSA owner's death after the year of his or her death, and then you make a distribution to the beneficiary, complete the 2012 Form 1099-SA for the year you learn of the HSA owner's death as follows:

Box 1 (gross distribution);

Box 3 - one of the following codes

1 - if the beneficiary is the spouse;

4 - if the beneficiary is the estate; or

6 - if the beneficiary is not the spouse or estate;

Box 4 - FMV of the HSA on the date of death.

Note the IRS discussion above is – the HSA custodian learns of the HSA owner's death and then HSA is closed during the same year. That year may either be the year the HSA owner died or a later year. There is no discussion of the situation where the death occurs one year and the HSA is closed the following year or a later year.

The IRS instructions for the Form 1099-SA contain 6 numerical distribution codes, two of which deal with the HSA owner's death. These are reason codes #4 and #6.

Reason Code #4. Death distributions other than code #6. Use for payments to the decedent's estate whether in the year of death or after the year of death. Also use for payments to a beneficiary other than the HSA owner's estate when the HSA custodian learns of the HSA owner's death in the same year he or she died and the HSA funds are distributed to the beneficiary(ies) in such year. Reason

Code #6. Death distribution after year of death to a nonspouse beneficiary. Use for payments to a decedent's nonspouse beneficiary, other than an estate, after the year of death. Note, this death distribution could occur two or three years after the year of death.

Although the death distribution is occurring in a year later than the year the HSA owner died, the IRS instructions inform the nonspouse beneficiary that he or she must report the FMV on date of death (box 4) on his or her tax return for the year the HSA owner died regardless that the distribution occurred in a later year. Taxable HSA distributions are reported by a recipient, including a nonspouse beneficiary, on line 21, "Other Income" on the Form 1040. There is no dedicated line on the Form 1040 for HSA distributions as there is for IRA distributions (lines 15a and 15b) and for pension distributions (lines 16a and 16b). The amount taxable to a beneficiary other than the estate is reduced by any qualified medical expenses of the decedent that are paid by the beneficiary within one year after the date of death.

A nonspouse beneficiary will want to review the instructions for Form 8889. The earnings of the HSA after the date of death is determined by subtracting box 4 (fair market value as of date of death) from the gross amount set forth in box 1. The beneficiary is to include the earnings on the "Other Income" line of his or her federal income tax return for the year of the withdrawal.

The above rules will be illustrated with the following example. Jane Doe was an HSA owner. Her account balance as of 12-31-10 was $22,300. Jane died on

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May 30, 2011. The HSA balance at that time was $22,440. Jane had designated her son, Will Doe, as her sole beneficiary.

Under alternative #1, Will closed the HSA on June 20, 2011 when the balance was $22,470. Thus, there were $30 of earnings from the date of death to the date of withdrawal. Box 1 of the 2011 Form 1099-SA will be completed with $22,470 and box 4 will be completed with $22,440. The entire $22,470 will be included in Will's income for 2011.

Under alternative #2, Will closed the HSA on March 31, 2012 when the balance was $22,720. The balance as of December 31, 2011 was $22,660. There were $280 of earnings from the date of death to the date of withdrawal. Box 1 of the 2012 Form 1099-SA will be completed with $22,720 and box 4 will be completed with $22,440. The $22,440 is taxable on his 2011 return and the $280 of earnings is taxable on his 2012 return.

In summary, the IRS has given quite good guidance with respect to the reporting of HSA distributions to beneficiaries and preparation of Form 5498-SA for the deceased HSA owner. A person must review quite a few different forms and instructions to determine this guidance. It is important for the beneficiary (and his or her tax preparer) to understand that the fair market value of the inherited HSA is taxable in the year the HSA owner died and the earnings are taxable in the year withdrawn. Once the IRS issues additional guidance on the subject of when a deceased HSA owner's HSA must be closed, this guidance will be covered in a subsequent newsletter. ◆

Administering an HSA After an HSA Owner Dies for a Spouse Beneficiary

It should be simple. The law provides if the beneficiary is the HSA owner's spouse, the HSA becomes the surviving spouse's HSA as of the date of death. There is no election to treat as own by the surviving spouse. The HSA now belongs to the surviving spouse as an HSA owner. A distribution to a surviving spouse taken for a nonqualified medical reason prior to age 65 will be subject to the 20% excise tax unless the surviving spouse was disabled.

An HSA custodian once it has knowledge of the HSA owner's death needs to communicate with the surviving spouse. He or she should be informed that the deceased spouse's HSA became his or her HSA as of the date of death. This happened as an act of law. We still suggest an HSA custodian be furnished a copy of the spouse's death certificate. The surviving spouse will need to designate his or her beneficiary(ies). An HSA custodian may want to inform the surviving spouse that the beneficiary rules applying to HSAs are not the same as those applying to IRAs.

Administratively, a number of approaches may be considered.

First, if the surviving spouse has his or her own HSA, then the funds from the decedent's HSA may be transferred into this HSA.

Second, change the name (and other pertinent information) on the HSA from that of the deceased spouse to that of the surviving spouse.

The HSA custodian will need to perform its standard HSA reporting duties with respect to the surviving spouse's HSA. The HSA custodian will prepare their Form 1099-SA to report distributions from the surviving spouse's HSA, if any, and will prepare the Form 5498-SA for the surviving spouse's HSA to report contributions and the fair market value as of December 31.

The HSA custodian also has IRS reporting duties with respect to the deceased spouse. The IRS instructions provide that an HSA custodian must file a Form 5498-SA and furnish a statement copy for the decedent's representative for the year of the HSA owner's death. Unlike with IRAs, there is no indication that the HSA custodian has the choice of reporting in the fair market value box on the Form 5498-SA the value as of the date of death or a $0.00. For the 2011 Form 5498-SA, the value to be reported is the value as of December 31, 2011. In most cases, this will be zero if the HSA funds were withdrawn from the decedent's HSA and moved to the surviving spouse's HSA or paid out to the surviving spouse.

A third approach may be necessary for some HSA custodians in order to get the proper reporting for both the deceased spouse and for the surviving spouse. Under this approach, a "new" HSA would be estab-

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lished for the surviving spouse and then the deceased spouse's HSA funds would be transferred into this new HSA.

In summary, the administering of a decedent's HSA will be simple when the beneficiary is the surviving spouse. The decedent's HSA by an act of law becomes the HSA of the surviving spouse. ◆

HSA Owner's Duty to File IRS Form 8889

An HSA owner has a duty to file the Form 8889 (HSAs) in certain situations. There are special rules if a person has more than one HSA as discussed below.

A person uses the Form 8889 to determine various tax consequences relating to his or her HSA. The individual reports the contributions made to his or her HSA either by an employer or personally. The individual determines what amount he or she is able to claim as a tax deduction. The individual also reports to what extent, if any, the distributions are taxable and whether or not any amount must be included in income because he or she did remain an eligible individual during a testing period.

A person must file Form 8889 if any of the following applies:

1. Contributions were made to the person's HSA for the year. These contributions could have been made by the individual, the individual's employer or another person or entity. Note: the Form 8889 must be filed even if it was only the employer who made any contributions.
2. Distributions were made from the person's HSA during the year.
3. The individual failed to remain an eligible individual and so must include certain amounts in income.
4. The individual acquired an interest in the HSA because he or she had been designated as a beneficiary and the HSA owner died.

The duty to prepare and file the Form 8889 applies even if the individual (and spouse, if married) is not required to file Form 1040 or Form 1040-NR. In this situation, the individual must prepare and file both the Form 8889 and the Form 1040/Form 1040-NR.

A form 8889 must be filed for each HSA.

Example #1. An individual is the HSA owner of two or more HSAs, then he or she must complete a separate Form 8889 for each HSA.

Example #2. An individual is the beneficiary of two or more HSAs, then he or she must complete a separate Form 8889 for each HSA.

Example #3. An individual is the beneficiary of an HSA and he or she has his or her own HSA, then he or she must complete a separate Form 8889 for each HSA.

Example #4. An individual is married and has his or her own HSA and so does the spouse. A separate Form 8889 must be prepared for each spouse and each HSA.

The IRS instructions then require an individual to consolidate the multiple 8889 forms as follows. Enter "statement" at the top of each Form 8889 and complete the form as instructed. Next, complete a controlling Form 8889 combining the amounts shown on each of the statement Forms 8889. The individual is then to attach the statements to his or her tax return after completing the controlling Form 8889. ◆

Proposed HSA Legislation

A number of tax bills have been introduced in the U.S. House of Representatives which would amend HSA laws. Considering that generally Democrats are philosophically opposed to HSAs, the enactment of these tax bills is remote at this time since the Democrats control the U.S. Senate and the Presidency.

Here is a summary of the proposed law changes.

1. Restore the penalty tax at 10% rather than the current 20% for a nonqualified medical distribution.

2. Allow an individual to claim a tax deduction for his or her payment of the HDHP premiums.

3. Increase the monthly contribution limit by a COLA.

4. Funds withdrawn from the HSA and used to pay his or her HDHP premiums will be a qualified distribution.

5. Authorize a "joint" HSA.

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6. Funds withdrawn from the HSA to be used to pay for certain exercise equipment and fees for physical fitness programs will be a qualified distribution.

7. Increased rollovers from flexible spending relationships and health reimbursement arrangements would be authorized.

8. Revise the IRS rule that a qualified distribution exists only if the medical expense is incurred on or after the establishment of the HSA. Certain medical expense incurred before the establishment of the HSA would be a qualified distribution.

9. HSAs will be given the same treatment as IRAs under the federal bankruptcy laws.

10. Authorize the correction of certain HSA administrative errors before the due date of the individual's tax return. Administrative, clerical or payroll contribution errors could be corrected.

11. Restore the law that the reimbursement from an HSA for medications or insulin may be a qualified distribution even though a doctor has not prescribed the medication.

CWF will keep you informed. ◆

Form 8955-SSA (2009) and Form 5500-EZ (2010) Have Been Released

The due date for filing the Form 8955-SSA for both the 2009 and 2010 plan years is the later of (1) January 17, 2012 or (2) the due date that generally applies for filing the Form 8955-SSA for 2010. The IRS expects to issue guidance confirming this extended due date shortly. The January 17, 2012 date will not be eligible for further extensions by filing Form 5558.

See Announcement 2011-21 for more information on Form 8955-SSA.

Filers can either:

- combine plan year 2009 and 2010 data on the 2009 Form 8955-SSA, or
- file separate Forms 8955-SSA to report 2009 and 2010 plan year data.

See FAQ for how to combine 2009 and 2010 reportable employees on the 2009 form.

Obtain the Form 8955-SSA:

- by downloading the fillable form from the IRS website,
- through third party software developers, or
- by calling the IRS at (800) 829-3676.

A barcode capturing the data you entered on the fillable form will appear on the completed pages when printed.

You may file Form 8955-SSA using the Filing Information Returns Electronically system. The FIRE system will be down from 6:00 p.m. December 16, 2011, until midnight January 2, 2012, for programming updates. During this time you will not be able to file electronically. See Revenue Procedure 2011-31 for more information about the FIRE system.

Form 5500-EZ

The 2010 Form 5500-EZ and its Instructions are now available. However, one-participant plans eligible to file the electronic-only Form 5500-SF, Short Form Annual Return/Report of Small Employee Benefit Plan, are encouraged to do so instead of filing the paper-only Form 5500-EZ. Use the ERISA Filing Acceptance System (EFAST2) to file the 5500-SF.

Plan sponsors or administrators of one-participant and certain foreign plans who file the paper 2010 Form 5500-EZ can download it from IRS.gov. Alternatively, you can file using approved software, if available, or order the form and its instructions by calling the IRS at (800) 829-3676.

Mail your completed and signed Form 5500-EZ to:

Department of the Treasury
Internal Revenue Service
Ogden, UT 84201-0020

Please don't mail the 2010 Form 5500-EZ to the Lawrence, Kansas address or it will be returned to you.