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Compliance With Regulation E By HSAs

Regulation E is concerned with Electronic Fund Transfers. The Federal Reserve Board has adopted final regulations pertaining to certain overdraft services and fees. These regulations change Regulation E and Regulation DD. The term overdraft service means a service under which a financial institution assesses a fee or charge on a consumer's account held by the institution for paying a transaction when the consumer has insufficient or unavailable funds in the account.

The purpose of this article is to discuss when, if and how the new Regulation E rules apply to HSAs. The purpose of the new rules is to define when it is permissible for a financial institution to charge fees with respect to overdraft situations arising from certain ATM and one-time debit card transactions. In general, the changes to Regulation E will not impact those financial institutions serving as the HSA custodian since the HSA custodian should never authorize the payment of an HSA transaction resulting in a negative balance. The effect of the covering is that the institution has made a loan to the HSA and, although short-term, there will be a prohibited transaction.

The final rules adopt the following requirements with respect to certain regulation E transactions.

The first rule is that consumers are required to affirmatively agree in writing to the financial institution's overdraft services/fees for ATM and for one-time debit card transactions. The financial institution is not allowed to charge any overdraft fees or similar fees until the consumer consents in writing. These rules do not apply to check transactions, recurring debits, or ACH transactions.

The second rule is that the financial institution is required to furnish a consumer with a written notice on a per account basis explaining the institution's overdraft policies and services. The consumer must be given a reasonable opportunity to affirmatively consent or elect in writing to use the overdraft service with respect to the specific account. If no such election is made, then the financial institution has no authority to charge its overdraft fees or similar fees (daily negative balance fees, nonsufficient funds fee, sustained overdraft fees, etc.).

Although not covered in the final regulation, the Federal Reserve believes, in general, that the charging of a fee for the institution's declining a transaction with respect to the overdrawing the account for ATM and one-time debit card transactions most likely is also not permitted because of compliance concerns related to the Fair Trade Commission Act. The reasoning – there is little cost or risk to the institution when it declines to authorize the payment of an ATM or one-time debit card transaction.

An HSA custodian will need to decide whether it will take the strong suggestion of the Federal Reserve and not charge a fee when it decides to not authorize a one-time HSA debit card transaction or

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whether it will charge such a fee. If such a fee will be charged, CWF recommends that a notice be furnished explaining how and when the fee will be imposed.

These new Regulation E rules apply as of July 1, 2010. For accounts opened before July 1, 2010, the financial institutions may charge such overdraft fees on or after August 15, 2010, only if the consumer has expressly elected in writing to have such service performed with respect to an ATM or one-time debit card transaction. For accounts opened after July 1, 2010, the financial institutions may charge such overdraft fees only if the consumer has expressly elected in writing to have such service performed with respect to an ATM or one-time debit card transactions.

Thirdly, if the consumer elects to use this service, then the financial institution must provide a separate written confirmation to the consumer. In addition, such confirmation must inform the consumer of his or her right to revoke this election.

Exception. A financial institution that does not charge any overdraft fees even in situations when the institution is unable to avoid paying an item that overdraws the account (i.e. intervening transactions) and which has a policy and procedure of declining to authorize and pay ATM and/or one time debit card transactions is not required to furnish the notice and obtain the expressed election by the consumer.

In summary, most financial institution will not pay or cover an NSF situation for an HSA since to do so will be a prohibited transaction. The proposed transaction must be declined by the financial institution. This is true whether it be a check transaction or an HSA one-time debit card transaction. Since the financial institution will generally not pay a proposed NSF transaction, there is no need for a financial institution to furnish the Regulation E notice and to obtain an affirmative election from the HSA owner. However, the law is not settled whether or not a financial institution can assess a fee for declining to authorize the payment of an HSA transaction via an ACH transaction or a one-time debit card transaction. The Federal Reserve does not want financial institutions to charge such fees. If an institution chooses to charge such a fee, it will want to fully explain the fee by furnishing a notice. ◆

What is the Future of CESAs?

The status of Coverdell Education Savings Accounts (CESAs) is very unsettled and so is the future of these accounts.

In June of 2001, President Bush signed the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Initially, the law changes were to apply only to 2002-2010. Some provisions of EGTRRA were made permanent (e.g. the IRA and pension law changes) unless there would be a future repealing law.

Congress is currently deadlocked on many issues. Many relate to whether or not to extend or make permanent those law changes made by EGTRRA which have not yet been made permanent or extended.

The CESA laws for 2011 will revert to be the laws in effect in 2001 unless there is a tax law extending the 2001 law changes.

1. The contribution limit will be $500 per child rather than $2,000 per child.

2. An individual will no longer be able to make a carryback CESA contribution by April 15 of the following year, A 2011 contribution would have to be made by December 31, 2011.

3. A married person filing a joint income tax return for 2011 is eligible to make a $500 per child contribution if their joint income is less than $150,000, no contribution if their joint income is more than $160,000 and a prorated contribution is their income is between $150,000 and $160,000. In 2010 the income range is $190,000-$220,000 rather than $150,000 - $160,000.

4. The special rules enacted with respect to individuals with special needs will no longer exist. This means no contribution may be made for an individual once he or she attains age 18. Any assets remaining in a CESA must be distributed when either one of the following two events occurs. First, the designated beneficiary reaches age 30. He or she must be distrib-

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uted the remaining assets within 30 days after the attaining of age 30. Secondly, if the designated beneficiary dies before reaching age 30, he or she must generally be distributed the remaining assets within 30 days after the date of the death. There is an exception for a transfer to a surviving spouse or a family member, In such case, the new designated beneficiary will not be required to withdraw the assets until he or she reaches age 30. A person with special needs is required to close the CESA at age 30 just like others must.

5. A family member is again defined as set forth below, In 2011 first cousins no longer qualify as a family member for CESA transfer and rollover purposes.

   Members of the beneficiary's family. The beneficiary's spouse and the following individuals (and their spouses) are members of the beneficiary's family.

   - The beneficiary's child, grandchild, or stepchild.
   - A brother, sister, half brother, half sister, stepbrother, or stepsister of the beneficiary.
   - The father, mother, grandfather, grandmother, stepfather, or stepmother of the beneficiary.
   - A brother or sister of the beneficiary's father or mother.
   - A son or daughter of the beneficiary's brother or sister.
   - The beneficiary's son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

6. The correction of excess CESA contributions will again be subject to the same rules applying to excess IRA contributions (i.e. April 15th plus extensions) and will not have the special correction deadline of May 31.

7. The definition of qualified education expenses will be radically changed by reducing the expenses which will qualify. Expenses must again arise from "higher" education, meaning post-high school, college and post-graduate. No longer will withdrawals used for certain elementary and secondary education expenses qualify. And it will no longer be so clear whether or not computer related expenses will qualify. Set forth below is the IRS discussion of this topic in the 2001 version of Publication 970. Such discussion will again apply for 2011.

Qualified education expenses. These are expenses required for the enrollment or attendance of the designated beneficiary at an eligible educational institution. The following items are qualified education expenses.

1) Tuition and fees.
2) The cost of books, supplies, and equipment.
3) Amounts contributed to a qualified state tuition program. (See chapter 8, Qualified State Tuition Programs.)
4) In some situations, the cost of room and board.

The cost of room and board is a qualified education expense if the designated beneficiary is at least a half-time student at an eligible educational institution.

The expense for room and board is limited to one of the following two amounts.

1) The school's posted room and board charge for students living on campus.

2) $2,500 each year for students living off campus and not at home.

Designated beneficiary. The individual named in the document creating the trust or custodial account to receive the benefit of the funds in the account is the designated beneficiary.

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Eligible educational institution. An eligible educational institution is any college, university, vocational school, or other postsecondary educational institution eligible to participate in a student aid program administered by the Department of Education. It includes virtually all accredited, public, nonprofit, and proprietary (privately owned profit-making) postsecondary institutions. The educational institution should be able to tell you if it is an eligible educational institution.

Half-time student. A student is enrolled "at least half-time" if he or she is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the school where the student is enrolled.

8. There will no longer be coordination with a Qualified Tuition Program. There again will be a 6% excise tax on contributions made by a person to a child's CESA where a contribution was also made to a qualified tuition program for the same child.

9. There will no longer be coordination with the Hope Scholarship Credit and the Lifetime Learning Credit. In 2010 it is possible for a person to claim these credits in the same year tax-free withdrawals are taken from the CESA as long as there are sufficient education expenses. In 2011, the rule again is - cannot claim either credit if there was a tax-free distribution from a CESA.

In summary, the changes made to the CESA rules in 2001 were favorable changes, encouraging their establishment and use. However, other tax law changes promoted the use of qualified tuition program over CESAs. Changing the CESA rules back to the 2001 rules will not be welcomed. Congress must decide soon if it is worthwhile to keep CESAs using the pre-2002 rules, keep CESAs using the 2002-2010 rules or create new rules for 2011 and future years. CWF will keep you informed. The concept of saving for education expenses is one which should be promoted as long as the tax costs are reasonable. ◆

Special RMD Rule – When the Nonspouse Inheriting Beneficiary is Older Than the Deceased IRA Accountholder

The life expectancy factor used to determine the RMD for a nonspouse inheriting IRA beneficiary is generally based on the age of the beneficiary because the normal situation is that the IRA accountholder will name a younger person(s) as his or her beneficiary. If an older beneficiary is named, a special rule applies for the RMD formula and the life expectancy will be determined by using the age of the accountholder rather than the beneficiary's age. This special rule only applies when the IRA accountholder dies on or after his or her required beginning date.

Illustration. Liz is age 80 as her date of birth was February 13, 1930. She has had her IRA since 1979. She is normally paid her RMD for the year on December 1. She has designated her sister, Gwen, as her sole primary beneficiary.

Gwen is age 71 as her date of birth was June 15, 1939. She has had her IRA since 1984. She is normally paid her RMD for the year on November 15th. She has designated her sister, Liz as her sole primary beneficiary. Gwen died on May 5, 2010.

Liz will need to be paid her own RMD by December 31, 2010 and she will need to be paid the RMD amount as calculated for Gwen with respect to her IRA by December 31, 2010. These two RMD payments cannot be aggregated and paid from just one of the IRAs. These are not like-kind IRAs.

With respect to the inherited IRA (Liz as beneficiary of Gwen's IRA), the 2011 RMD factor will be determined by using Gwen's age and not Liz's. Liz benefits and her inheriting beneficiaries will benefit because the payout period is much longer when it is based on Gwen's age. The RMD factors are set forth below. If Liz's age was required to be used the initial factor would be 9.7 since she would be 81 in 2011.

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Year	Gwen's Age	RMD LE Factor
2010	72	15.5 (not used since yr. of death)
2011		14.5
2012		13.5
2013		12.5
2014		11.5
2015		10.5
2016		9.5
2017		8.5
2018		7.5
2019		6.5
2020		5.5
2021		4.5
2022		3.5
2023		2.5
2024		1.5
2025		All Out ◆

We All Make Mistakes, Including IRA and HSA Owners Who Are Accountants or Attorneys.

Some IRA and HSA accountholders are more difficult than others. Individuals probably say the same thing about IRA custodians and trustees. Individuals with IRAs and HSAs need a financial institution to serve as the IRA/HSA custodian or trustee. Federal law requires it as federal law does not allow individuals to serve as the IRA custodian or trustee.

Once in awhile, there are individuals who think they know the IRA rules and/or HSA rules better than they do. In general, the IRS does not expect, require or want the financial institution to be offering tax advice to the individual. However, there are times when the IRS does expect the financial institution to inform an individual that what he or she had done is not permitted and needs to be corrected. Financial institutions may wish they did not have this duty, but it's part of the price institutions pay for having the privilege to serve as an IRA or HSA custodian/trustee.

A prime example is – the IRA or HSA custodian has a duty to monitor the amount of regular or annual contributions. For IRAs for 2009 and 2010, the custodian must not allow a person under age 50 to contribute more than $5,000 and a person age 50 or older to contribute more than $6,000. For HSAs for 2009, the custodian must not allow a person under age 55 to contribute more than $5,950 (the family coverage limit) and a person age 55 or older to contribute more than $6,950 (the family coverage limit of $5,950 plus the catch-up limit of $1,000).

In October of 2009, an individual had visited First State Bank to establish his HSA. This individual was married, he was age 56 and he was an attorney. His wife was age 58. He contributed $3,000 to his HSA for 2009. In late March of 2010 he contributed another $4,950 to his HSA for 2009 with First State Bank. The HSA custodian called this individual in early April of 2010 and informed him that he had made an excess HSA contribution of $1,000 and that he needed to correct it.

He initially contended that he had not made an excess contribution since he was allowed to contribute the entire $7,950 to his HSA. He said that there was no law or IRS requirement that his wife's $1,000 catch-up contribution amount must go into her own HSA and was not permitted to go into his. The HSA custodian's personnel suggested he review the 2009 Publication 969 (Health Savings Accounts and Other Tax Favored Health Plans) on page 6 where it is expressly stated, "Each spouse must make the additional (or catch-up) contribution to his or her own HSA."

April and May were busy months. He and his wife filed their 2009 joint tax return on April 10, 2010. They had claimed a tax deduction of $7,950 for the HSA contributions. He did not find the time to review Publication 969 until May 20th. He finally understood that his wife's $1,000 catch-up contribution for 2009 had to be made to her HSA. He then called because he wanted to correct his excess HSA contribution situation by withdrawing the $1,000 (as adjusted for earnings or losses) and then have the $1,000 contributed to a new HSA for 2009 to be set up by his wife.

He (or she) waited too long. HSA contributions for 2009 must have been made by April 15, 2010. As with IRA contributions, a tax extension does not change this contribution deadline. Without the HSA custodian par-

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ticipating in tax fraud, there is no way that she may make an HSA contribution for 2009 in June of 2010. He should amend his 2009 tax return to adjust it to reflect the proper deduction amount of $6,950. Hopefully, he will acknowledge that he made the mistakes which resulted in the tax lesson. ◆

Completing and Filing the 2009 Form 5500-EZ

In the old days, the plans were called Keogh plans. Today these plans are called profit sharing plans, money purchase plans or one person 401(k) plans. The small business individuals who sponsor these plans will have questions about completing the Form 5500-EZ. This is a two page form. See the insert in this newsletter. This article covers the basics of completing this form. It is the employer who is responsible to complete and file the Form 5500-EZ.

A sponsoring employer should be able to complete this form with only minimal help from their accountant, attorney or banker.

Old and Primary Current Purpose of Form 5500-EZ. The IRS has designed this form for certain one person plans to report certain information (contributions, distributions, total balance, number of participants, missed and late contributions) regarding their profit sharing, money purchase or defined benefit plan(s). Such plan or plans are not subject to ERISA section 104(a). In general, if a sponsoring employer has one plan or a combination of plans with total assets of more than $250,000 as of December 31st (i.e. the last day of the applicable plan year), then the employer is required to file a Form 5500-EZ for each one person plan. If the asset total is less than $250,000, then no filing of Form 5500-EZ is required. The IRS does want the sponsoring employer to file the Form 5500-EZ if this is the plan's final return regardless of the dollar amount. The instructions read, "All one-participant plans should file a return for their final plan year indicating that all assets have been distributed." We read the use of "should" as meaning the filing is not required.

New 2009 Purpose of Form 5500-EZ. A foreign plan which is required to file an annual return for 2009 is now required to complete and file the 2009 Form 5500-EZ. A foreign plan means a pension plan that is maintained outside the United States primarily for nonresident aliens. A foreign plan is required to file an annual return if the employer who maintains the plan is a domestic employer or a foreign employer with income derived from sources within the United States (including foreign subsidiaries of domestic employers) if contributions to the plan are deducted on its U.S. income tax return. This topic of filing a Form 5500-EZ by a foreign plan is beyond the scope of this article which is devoted to one participant plans.

The due date for filing most 2009 5500-EZ forms is July 31, 2010 since the legal deadline is the last day of the 7th month following the close of the plan year. This deadline is extended, however, if the 31st falls on a Saturday, Sunday or holiday. Since July 31, 2010 falls on a Saturday, the deadline for filing the 2009 5500-EZ return is August 2, 2010.

The filing of Form 5500-EZ must still be done by filing a paper form. For 2009 it is impossible to file the Form 5500-EZ electronically. A person can either complete, file and sign the official IRS printed form or a person can complete the on-line version of the form 5500-EZ at www.irs.gov and then print and sign to be mailed to the IRS at: Department of the Treasury, Internal Revenue Service, Ogden, UT. 84201- 0020. The business owner or sponsor must sign and date the paper form. The IRS has the authority to assess a fine of $25.00 per day (up to $15,000) for not filing the return.

Exception. A sponsor employer may choose to file the Form 5500-SF electronically under EFAST2 rather than file the Form 5500-EZ. This two-way filing approach allows an employer to file the annual return electronically. He or she files Form 5500-SF rather than the Form 5500-EZ. The plan is eligible to file the Form 5500-SF only if it covered fewer than 100 participants at the beginning of the year. Eligible one-participant plans need to complete only the following questions on the Form 5500-SF (these are the same questions that it would have to complete if it filed Form 5500-EZ):

Part I, lines A, B, and C;

Part II, lines 1a-5b;

Part III, lines 7a-c, and 8a;

Part IV, line 9a;

Part V, line log; and

Part VI, lines 11-12e.

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Discussion of Completing the 5500-EZ Form

Part I Annual Return Identification Information. These three lines (A-C) are self-explanatory.

Part II Basic Plan Information. There are lines 1-5. For the most part, these lines are also self-explanatory. Almost always, the employer will be the plan administrator so line 3a can be completed by entering "Same."

Line 1b asks for the 3 digit plan number (PIN). This will normally be 001. When an employer has multiple plans (i.e. multiple plan documents), the oldest plan should be 001, the next oldest plan 002, the next oldest 003, etc. For example if John Does has a profit sharing plan at bank #1 and a newer profit sharing plan at a savings and loan, the plans would be numbered 001 and 002. Sometimes individuals or their accountants are confused and think there needs to be a new number for each plan set up with a new financial institution. This is not always the case. If one plan is liquidated and the funds are sent to a replacement plan at a new institution, the plan number need not change.

Lines 4a-b are used to inform if the employer's name or EIN has changed.

Lines 5a-b are used to inform what is the total number of participants at the beginning of the year (a) and what is the total at the end of the year (b). In most cases both lines will be completed with "1". However, if the person terminated the plan in 2009, then b would be completed with a "0". There will be business situations where the only workers are "owners" or spouses of owners. In this case, because there are no common law employees needing protection, the IRA and DOL have defined such plans also to be one-participant plans for ERISA purposes.

Part III Financial Information. Lines 6a-c deal with plan assets and liabilities whereas lines 7a-c deal with contributions.

Line 6a asks for total plan assets at the beginning of the plan year and at the end of the plan year. Again, the plan year is the measuring period; the calendar year is not the measuring period. For example, if the plan had a value as of 1-1-09 of $132,500, and a value of $147,800 on 12-31-09, but there was a carryback contribution of $30,000 made on 4-14-10 for 2009, then the end of plan year value is $177,800.

Line 6b asks for total plan liabilities at the beginning of the plan year and at the end of the plan year. Most plans do not have any liabilities. In this case, the two boxes for line 6b are to be completed with a 0. When there are liabilities, the amount needs to be listed in both boxes, as applicable. For example, a profit sharing plan with $200,000 of assets borrows $50,000 during 2009 so it could buy an asset with a value of $250,000. The $50,000 would have to be listed as the liability value as of 12-31-09.

Line 6c asks for net plan assets at the beginning of the plan year and at the end of the plan year. Unless there are plan liabilities, line 6c and 6a are to completed with the same numbers.

Line 7a asks for the employer contributions and line 7b asks for participants' contributions. The IRS instructions do a poor job of defining what is an employer contribution and what is a participant contribution. In many situations, a participant's 401(k) elective deferrals are deemed to be discretionary contributions and any matching or QNEC contributions would go on line 7a and a total of the participants' 401(k) elective deferral contributions and any after-tax contributions would go on line 7b.

Line 7c is to report other contributions such as rollovers and transfers. The contribution amount is the value as of the date of the contribution.

Part IV Plan Characteristics. Line 8 has 6 two-box boxes to be completed with two-character feature codes. Page 6 on the instructions set forth 25 different descriptive codes. Each applicable code should be inserted.

There are seven (7) codes describing various features of defined benefit plans. This article does not discuss these codes because CWF does not write defined benefit prototype plans.

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There are nine (9) codes describing various features of defined contribution plans.

2A Age/Service Weighted Plan
2B Target Benefit Plan
2C Money Purchase Plan
2D Offset Plan
2E Profit Sharing
2J Section 401(k) Feature
2K Section 401(m) Arrangement/Employee Contributions
2R Participant-directed brokerage accounts as option
2S Automatic Enrollment in Plan/Employee Contributions
2T Default Investment Account – How Plan Handles A Participant's Failure to Exercise Right to Direct Investments

There are eight (8) codes describing "other" plan features:

3A Non-U.S. Plan
3B Plan Covering Self-Employed Individuals
3C Plans Not Intended to Qualify
3D Pre-Approved Plan - Prototype or Volume Submitter
3E Satisfied Coverage Rules By Combining With Other Plan
3F Plan Sponsor Uses Leased Employees
3H Plan Sponsor Is a Member of a Controlled Group
3J U.S. Plan Covers Residents of Puerto Rico

The following codes are the one's to be used most often:

2C Money Purchase Plan
2E Profit Sharing
2J Section 401(k) Feature
2K Section 401(m) Arrangement/Employee Contributions
3B Plan Covering Self-Employed Individuals
3D Pre-Approved Plan - Prototype or Volume Submitter
3H Plan Sponsor Is a Member of a Controlled Group

Part V Compliance and Funding Questions. There are three questions/lines.

Line 9 asks if there were any loans outstanding at year end. The existence of a loan is not necessarily a bad thing. The law was changed to allow loans to self-employed individuals as well as other plan participants. However, the IRS may choose to seek further audit information so it can make the determination that there has been compliance with the loan rules.

Line 10 asks if this plan is a defined benefit plan. If so, Schedule SB must be completed.

Line 11a-e deals with the fact that a money purchase plan is subject to the minimum funding rules of Code Section 412 whereas a profit sharing plan is not. If a money purchase plan document for a one person plan states that the employer will contribute 15% of compensation, but this contribution is not made, there will be compliance problems and special taxes owing.

CWF Advice and Warning. There are still quite a few small employers who sponsor a money purchase plan. Most likely, they want a profit sharing plan instead. It is possible to replace the money purchase plan with a profit sharing plan by amendment and restatement. When the plan is a money purchase plan, the employer must contribute the stated percentage. The law does not allow a smaller contribution, including no contribution. When the plan is a profit sharing plan, the plan may be written to grant the employer the discretion whether or not it will make a contribution and how much will be contributed. If an employer has a money purchase plan and fails to make the contribution required by the plan document, there will come a time when the IRS will contact the employer and impose adverse tax consequences.

August 2, 2010 is the deadline for a person with a calendar year tax year to file the Form 5500-EZ for 2009. In general, this filing is only required if the plan's total assets are more than $250,000. The employer, of course, should have the assistance of his or her attorney or accountant in completing this form. ◆

Form **5500-EZ**

Department of the Treasury
Internal Revenue Service

Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan

This form is required to be filed under section 6058(a) of the Internal Revenue Code.
Certain foreign retirement plans are also required to file this form (see instructions).
▶ Complete all entries in accordance with the instructions to the Form 5500-EZ

OMB No. 1545-0956

2009

This Form is Open to Public Inspection.

Part I Annual Return Identification Information

For the calendar plan year 2009 or fiscal plan year beginning , **and ending** ,

A This return is: (1) ☐ the first return filed for the plan; (3) ☐ the final return filed for the plan;
(2) ☐ an amended return; (4) ☐ a short plan year return (less than 12 months).

B If filing under an extension of time, check this box (see instructions) . . . . ▶ ☐

C If this return is for a foreign plan, check this box (see instructions) . . . . ▶ ☐

Part II Basic Plan Information — enter all requested information.

1a Name of plan	**1b** Three-digit plan number (PN) ▶
	1c Date plan first became effective (MM,DD,YYYY)
2a Employer's name	**2b** Employer Identification Number (EIN) (Do not enter your Social Security Number)
Trade name of business (if different from name of employer)	
In care of name	**2c** Employer's telephone number
Mailing address (room, apt., suite no. and street, or P.O. Box)	**2d** Business code (see instructions)
City, state, and ZIP code (if foreign, see instructions)	
3a Plan administrator's name (If same as employer, enter "Same")	**3b** Administrator's EIN
In care of name	**3c** Administrator's telephone number
Mailing address (room, apt., suite no. and street, or P.O. Box)	
City, state, and ZIP code (if foreign, see instructions)	

4 If the name and/or EIN of the employer has changed since the last return filed for this plan, enter the name, EIN, and plan number for the last return in the appropriate space provided:	**4b**	EIN
a Employer's name	**4c**	PN
5a Total number of participants at the beginning of the plan year	**5a**	
b Total number of participants at the end of the plan year	**5b**	

Part III Financial Information

		(1) Beginning of year	(2) End of year
6a Total plan assets	**6a**		
b Total plan liabilities	**6b**		
c Net plan assets (subtract line **6b** from **6a**)	**6c**		

For Paperwork Reduction Act Notice, see the instructions for Form 5500-EZ. Cat. No. 63263R Form **5500-EZ** (2009)

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Part III *(Continued)*

			Amount
7	Contributions received or receivable from:		
a	Employers	7a	
b	Participants	7b	
c	Others (including rollovers)	7c	

Part IV **Plan Characteristics**

8 Enter the applicable two-character feature codes from the List of Plan Characteristics Codes in the instructions:

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Part V **Compliance and Funding Questions**

			Yes	No	Amount
9	During the plan year, did the plan have any participant loans? If "Yes," enter amount as of year end	9			
10	Is this a defined benefit plan that is subject to minimum funding requirements? If "Yes," complete Schedule SB (Form 5500). (See instructions.)	10			
11	Is this a defined contribution plan subject to the minimum funding requirements of section 412 of the Code?	11			

If "Yes," complete lines 11a or 11b, 11c, 11d, and 11e below, as applicable:

a	If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, enter the month, day, and year (MM,DD,YYYY) of the letter ruling granting the waiver (see instructions)	11a	
b	Enter the minimum required contribution for this plan year	11b	
c	Enter the amount contributed by the employer to the plan for this plan year	11c	
d	Subtract the amount in line 11c from the amount in line 11b. (Enter a minus sign to the left of a negative amount.)	11d	

			Yes	No	N/A
e	Will the minimum funding amount reported on line 11d be met by the funding deadline?	11e			

Caution: A penalty for the late or incomplete filing of this return will be assessed unless reasonable cause is established.

Under penalties of perjury, I declare that I have examined this return including, if applicable, any related Schedule MB (Form 5500) or Schedule SB (Form 5500) signed by an enrolled actuary, and to the best of my knowledge and belief, it is true, correct, and complete.

Sign Here

Signature of employer or plan administrator | Date | Type or print name of individual signing as employer or plan administrator

Form **5500-EZ** (2009)