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| Form <b>8399</b><br>(Rev. December 1998) | Department of the Treasury – Internal Revenue Service<br><b>Employee Plan Deficiency Checksheet</b><br><b>Attachment #9</b><br><b>Required Plan Distributions</b> | Date |
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| <i>For IRS Use</i> | Please furnish the amendment(s) requested in the section(s) checked below. |   |
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| 902<br>I.a.        |  | Section _____ of the plan should be amended to provide that distributions to participants who are 5-percent owners must commence not later than the April 1 following the calendar year in which the participant attains age 70½. IRC section 401(a)(9).  |
| 903, 904<br>I.b.   |  | Section _____ of the plan should be amended to require that distributions to participants who are not 5-percent owners must commence by the April 1 following (choose applicable option):<br><br>(i) the later of the calendar year in which the participant attains age 70½ or retires,<br><br>(ii) the calendar year in which the participant attains age 70½, or<br><br>(iii) the later of the calendar year in which the participant attains age 70½ or retires, except that benefits accrued before an SBJPA plan amendment must commence by the April 1 following the calendar year in which the participant attains age 70½. IRC section 401(a)(9) and Notice 97-75, 1997-51 I.R.B. 18.  |
| 905, 906<br>I.c.   |  | Section _____ of the plan should be amended to (choose one)<br><br>(i) give any participant (other than a 5-percent owner) who attains age 70½ after 1995 the option of commencing distributions by April 1 following age 70½ or deferring, or<br><br>(ii) preserve the age 70½ distribution option for participants who attain age 70½ before 1999 (or prior to any year after 1999 set forth in the amendment). (Note: the provision allowing elimination of this distribution option with respect to certain employees is contained in section 1.411(d)-4, Q&A 10 of the proposed income tax regulations. The guidance is only effective after final regulations are adopted and will only apply to amendments adopted and effective after that date). IRC sections 401(a)(9) and 411(d)(6), Announcement 97-24, 1997-11 I.R.B. 24, and Notice 97-75, 1997-51 I.R.B. 18. |
| 907<br>I.d.        |  | Section _____ of the plan should be amended to specify either a new annuity starting date or no new annuity starting date upon recommencement of distributions for a participant who attained age 70½ before 1997 and has been allowed to stop receiving distributions and recommence them at a later date. Q&A 8 of Notice 97-75, 1997-51 I.R.B. 18.   |
| 908<br>I.e.        |  | Section _____ of the plan should be amended to require actuarial increases for a participant who retires in a calendar year after the calendar year in which the participant attains age 70½, for the period after age 70½ in which the participant was not receiving any benefits under the plan. IRC section 401(a)(9)(C)(iii) and Q&As 1-3 of Notice 97-75, 1997-51 I.R.B. 18.   |
| 909<br>I.f.        |  | Section _____ of the plan should be amended to provide that when the distribution of the participant's entire interest is not made in a lump sum, the distribution will be made in one or more of the following ways: over the life of the participant; over the life of the participant and a designated beneficiary; over a period certain not extending beyond the life expectancy of the participant; or over a period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary. IRC section 401(a)(9)(A)(ii).  |
| 911<br>II.a.       |  | Section _____ of the plan should be amended to provide that if distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death. IRC section 401(a)(9)(B)(i) and Proposed Reg. 1.401(a)(9)-1 Q&A B-4.   |

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| 912, 913 |  | Section _____ of the plan should be amended to ensure that the method of distribution, if the participant dies before distributions commence, satisfies the following requirements: (a) any remaining   |
| II.b.    |  | portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five years after the participant's death; and (b) any portion of the participant's interest that is payable to a beneficiary designated by the participant will be distributed either (i) within five years after the participant's death, or (ii) over the life of the beneficiary or over a period certain not extending beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if the designated beneficiary is the participant's surviving spouse, commencing not later than the end of the calendar year following the calendar year in which the participant would have attained age 70½). IRC section 401(a)(9)(B)(ii), (iii), and (iv). |
| 925      |  | Section _____ of the plan should be amended to provide that distributions from the plan will be made in accordance with the requirements of the regulations under section 401(a)(9), including the minimum  |
| III.     |  | distribution incidental benefit requirements of section 1.401(a)(9)-2 of the proposed regulations. IRC section 401(a)(9)(G) and Proposed Regs. sections 1.401(a)(9)-1 (Q&As A-3 and F-4A) and 1.401(a)(9)-2.  |
| 920      |  | Section _____ of the plan should be amended to require that distributions made pursuant to a TEFRA transitional rule distribution election meet the requirements of IRC section 401(a)(9) as in effect  |
| IV.      |  | on December 31, 1983, and also satisfy IRC sections 401(a)(11) and 417. Proposed Regs. section 1.401(a)(9)-1 Q&A J-1.   |