

**Application for
Approval of Prototype or Employer Sponsored
Individual Retirement Account**

(Under Section 408(a), (b) or (c) of the Internal Revenue Code)

Complete all items on this form. If an item does not apply, enter "N/A."

**For IRS Use Only
File folder
number ▶**

A Enter amount of user fee submitted ▶ \$ _____

1 Approval requested for:

(a) Type of individual retirement account—

- (1)** Prototype under section 408(a) or (b)
- (2)** Established by employer or association of employees under section 408(c)

(b) Initial application

<i>(i)</i> Latest letter serial number	<i>(ii)</i> Date letter issued	<i>(iii)</i> File folder no.	<i>(iv)</i> Plan number
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(c) Amendment—Enter ▶ _____

2 (a) Name of applicant	2 (b) Employer identification number of applicant
Address (number and street)	2 (c) Business code (see specific instruction 2(c))
City or town, state, and ZIP code	

3 (a) Name of person to be contacted	3 (b) Telephone number ()
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4 Type of sponsoring organization (if you are applying for a ruling under section 408(c), do not complete this item):

- (a)** Insurance company
- (b)** Trade or professional association
- (c)** Savings and loan association that qualifies as a bank
- (d)** Bank
- (e)** Regulated investment company
- (f)** Federally insured credit union
- (g)** Other (specify) ▶ _____

5 Name of trustee or custodian

Address (number and street)

City or town, state, and ZIP code

6 Type of funding entity:

- (a)** Trust
- (b)** Custodial account
- (c)** Insurance company (complete whichever is applicable)—
 - (1)** Annuity contract number ▶ _____
 - (2)** Endowment policy number ▶ _____

7 Attach a copy of the documents to be used (trust agreement, annuity contract, etc.) and indicate the article or section and the page number where the following provisions may be found. If not applicable, insert "N/A."	Article or Section	Page Number	For IRS Use Only
(a) Provision that the trust is created for the exclusive benefit of the participant or his beneficiaries, or the contract must be owned only by the annuitant			1
(b) Contributions—type allowable (i.e., only cash except for rollovers) and maximum limitation			2
(c) Provisions prohibiting the investment of trust assets in collectibles, or a statement informing individuals that an investment in collectibles, except for investments in certain coins, will be treated as a taxable distribution			3

Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief it is true, correct and complete.

Signature ▶ Title ▶ Date ▶

7 (continued from page 1)

	Article or Section	Page Number	For IRS Use Only
(d) Prohibition on investment in life insurance contracts			4
(e) Provision which sets forth the rules on required distributions commencing before death			5
(f) Provision which sets forth the rules on required distributions commencing after death			6
(g) Nonforfeitability of account			7
(h) Nontransferability of contract			8
(i) Application of premium refund, other than refunds attributable to excess contributions, before the end of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits			9
(j) Prohibition against commingling of funds.			10
(k) Provision that insurance contracts must have flexible premiums			11
(l) Provisions for a separate accounting for the interest of each employee or member of the association			12
(m) Annual reports by trustees or issuers			13
(n) Compensation—type includible (e.g., wages, salaries, professional fees, etc.)			14

8 You must attach a copy of the disclosure statement you will use to inform participants of the restrictions and limitations imposed by law on individual retirement programs such as: eligibility for deductions, excise tax on excess contributions, penalty taxes on premature distributions, the consequences of prohibited transactions and other required topics; or you must certify that you will furnish to each participant a copy of **Publication 590**.

General Information

(Section references are to the Internal Revenue Code)

Paperwork Reduction Act Notice

The Paperwork Reduction Act of 1980 says that we must tell you why we are collecting this information, how it is to be used, and whether you have to give it to us. The information is used to determine whether you meet the legal requirements for the plan approval you request. Your filing of this information is only required if you wish IRS to issue an approval letter for your plan under sections 408(a), 408(b), or 408(c).

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

- Recordkeeping** 11 hrs., 29 min.
- Learning about the law or the form** 18 min.
- Preparing and sending the form to IRS** 30 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-0390), Washington, DC 20503.

Purpose of Form

This form is used by employers or associations of employees who want IRS approval of an individual retirement account trust (as described under section 408(c)) for use by their employees or members.

This form is also used by certain persons who want IRS approval of prototype individual retirement accounts or annuity contracts.

General Instructions

A. Who May File for a Prototype Individual Retirement Account.—Form 5306 may be filed to secure IRS approval of the form of a trust or annuity contract by:

- Banks (including savings and loan associations that qualify as banks and federally insured credit unions)
- Any person who has IRS approval to act as a trustee or custodian
- Insurance companies
- Regulated investment companies
- Trade or professional societies or associations (other than employee associations)

B. Who May File for Employer or Employee Association Established Individual Retirement Accounts.—Employers or employee associations who want a ruling under section 408(c) for a trust which will be used for individual retirement accounts may file this form. The term employee association means any organization composed of two or more employees, including, but not limited to, an employee association described in section 501(c)(4).

C. Who Does Not Need To File.—Sponsors of programs, employers or associations of employees that use the Individual Retirement Trust Account (Form 5305) or Individual Retirement Custodial Account (Form 5305-A) should not submit their programs to the Internal Revenue Service since these forms are considered to meet the requirements of section 408. This applies even though a sponsor, employer or association of employees may have reproduced the provisions of these forms on their own letterhead or in pamphlets which omit all references to the Internal Revenue Service or its forms.

D. What To File.—File this application and one copy of all instruments constituting this trust or annuity contract or if an amendment, file a copy of such amendment

and an explanation of its effect on the trust or contract.

E. Where To File.—File this application with the Commissioner of Internal Revenue, Attention: E:EP:Q, P.O. Box 14073, Ben Franklin Station, Washington, DC 20044.

F. Signature.—A principal officer who is authorized to sign or another person authorized under a power of attorney must sign this application. (Send the power of attorney with this application when you file it.)

Specific Instructions

A. User Fee.—All applications must be accompanied by the appropriate user fee. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

For the proper user fee, see Rev. Proc. 90-17, 1990-12 I.R.B. 13 or the current superseding Rev. Proc.

1(a). Indicate whether you are filing an application for (1) a prototype individual retirement account or annuity under section 408(a) or (b); (2) an employer or employee association established individual retirement account under section 408(c).

1(c)(iii). If you are amending your plan, enter the file folder number from the latest opinion letter you received for your plan.

1(c)(iv). In order to distinguish between the prototype IRA's of the same sponsor, the sponsor must designate a different three-digit number beginning with the number 001 for each separate prototype plan of the sponsor. The second IRA submitted by a sponsor should be designated 002 and so forth. Enter here the IRA number assigned to the IRA covered by this application.

2(c). Complete this item only if you have checked 1(a)(2). If you have checked 1(a)(2), enter the business code you entered on your income tax return or your information return.