

**OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
LETTER TO MEMBER OR BENEFICIARY REGARDING A REFUND OF CONTRIBUTIONS**

Dear Member or Beneficiary:

This letter provides an overview of the information contained in the attached document titled “Special Tax Notice – Your Rollover Options,” which explains tax rules regarding distributions from plans like our Oklahoma Police Pension and Retirement System (“System”) and special rules that apply to a surviving beneficiary. Following the Special Tax Notice is a form for you to complete, entitled Notice of Selected Distribution for a Refund of Contributions.

General

If you receive a “distribution” from our System (described below), 20% will be withheld from the taxable portion of the distribution for federal income taxes unless you do a “*direct rollover*” of the benefits into another eligible employer plan that accepts rollovers, a traditional individual retirement account (“IRA”), or a Roth IRA. If you are a non-spouse beneficiary, the only rollover option is a direct rollover to an inherited IRA.

Distribution

A “distribution,” which is subject to withholding, includes payment of your Deferred Option Plan benefits, including Back DROP benefits, that are paid in a lump sum if you leave employment as a Police Officer or to the beneficiary if the member dies.

Direct Rollover

A “*direct rollover*” means the money is not paid to you, but instead is transferred directly by the System: to another eligible employer plan; to a traditional IRA; or to a Roth IRA. Your distribution cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account (formerly known as an education IRA).

A direct rollover can be done one of two ways:

- (a) the System transferring funds *to the trustee or custodian* of an eligible employer plan, a traditional IRA or a Roth IRA; or
- (b) the System mailing to you, a check *payable to the trustee or custodian* of an eligible employer plan, a traditional IRA or a Roth IRA, and instructing you to deliver the check to the trustee or custodian.

If you choose a *direct rollover*, your distribution will be paid: to an eligible employer plan; to your traditional IRA; or to a Roth IRA. You will not be taxed on the distribution at that time (except to the extent you roll over your distribution to a Roth IRA).

After-tax contributions may be: *directly rolled over* to another eligible employer plan; a traditional IRA; or a Roth IRA. However, not all employer plans accept after-tax contributions. The after-tax portion of a distribution may not be rolled over to a section 457(b) plan maintained by a governmental employer. Be sure to check with the recipient plan prior to requesting the rollover of after-tax contributions.

60-Day Rollover; 20% Withholding for Federal Income Taxes

However, if your distribution is *paid to you* instead of being *directly rolled over*, 20% of the taxable portion of your distribution will be withheld for federal income taxes and sent to the IRS. This means you will receive only 80% of the taxable portion of your distribution. (Note—there may be additional withholding required for state income taxes.)

For example, assume your distribution from the System is \$1,000 (and it is all taxable). You receive a distribution of \$800 (\$200 is withheld for federal income taxes). You may do a *60-day rollover* of all or a portion of the \$1,000 distribution to an eligible employer plan or to a traditional IRA if you do so within 60 days of receiving the \$800. If you

want to roll over more than the \$800 you received, you must make up all or part of the \$200 difference from other funds and do a 60-day roll over of the \$800, plus up to an additional \$200, to an eligible employer plan or a traditional IRA.

You can also do a 60-day rollover of your after-tax contributions to a traditional IRA but these contributions must be accounted for separately from any pre-tax contributions. See the enclosed Special Tax Notice for details.

Refund from IRS

If you decide to roll over the 80% you received, plus make up the 20% which was withheld for federal income taxes, by rolling over the additional 20% to an eligible employer plan or to a traditional IRA, the IRS will refund the 20% which was withheld after you file your income tax return, assuming the full amount of tax on your other income was paid separately from the 20% withheld. The tax on your other income must be fully paid (by withholding or estimated tax payments), to be able to receive a tax refund of the 20% from the IRS. A refund of part of the \$200 withheld would be available if you rolled over less than the full \$1,000 (for example, if you rolled over the \$800 you received, or a part of that amount).

Penalty on Early Distributions

If you are under age 59½ at the time you receive a distribution, a 10% additional tax for early distribution could apply. However, this penalty does not apply: (1) if you are at least 59½ years old when you receive the distribution; or (2) to a distribution made to you after you separate from service with your employer if you are at least 55 years old during the calendar year in which you separate from service (or 50, if you were employed as a “qualified public safety employee”); or (3) to any part of a distribution that is rolled over.

A “qualified public safety employee” means an employee of the State or a political subdivision of the State whose principal duties include services requiring specialized training in the area of police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

Under the example above, if you choose to roll over the \$800 you received to an eligible employer plan or a traditional IRA, but do not make up the \$200 that was withheld, the \$200 will be taxed and could be subject to an additional 10% tax for an early distribution unless you meet an exception to the additional tax.

Taxation of Rollover to Roth IRA

If you do a *direct rollover* or a *60-day rollover* of your distribution from the System to a Roth IRA, it is taxable (other than the amount of your after-tax contributions) at the time of the rollover or distribution to you but is not taxable when it is distributed from the Roth IRA.

Notice

The IRS requires that you receive the attached notice at least 30 days before payment of your distribution. However, once you receive the notice, you may waive the 30-day waiting period.

Seek the Advice of a Competent Professional Tax Advisor

Before receiving a distribution from the System, we strongly encourage you to seek the advice of a competent professional tax advisor.

OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM **SPECIAL TAX NOTICE – YOUR ROLLOVER OPTIONS**

This notice explains how you can continue to defer federal income tax on your retirement savings in the Oklahoma Police Pension and Retirement System ("System") and contains important information you will need before you decide how to receive your System benefits.

You are receiving this notice because all or a portion of a payment you are receiving from the System may be eligible to be rolled over to an IRA or an employer plan. This notice is intended to help you decide whether to do such a rollover.

Rules that apply to most payments from a plan are described in the “General Information About Rollovers” section. Special rules that only apply in certain circumstances are described in the “Special Rules and Options” section.

If you have additional questions after reading this notice, you can contact the System Office at 1-800-347-6552.

GENERAL INFORMATION ABOUT ROLLOVERS

How can a rollover affect my taxes?

You will be taxed on the taxable portion of a payment from the System if you do not roll it over. If you are under age 59½ and do not do a rollover, you will also have to pay a 10% additional income tax on early distributions (unless an exception applies, such as the exception for a public safety employee who separates from service and is at least age 50 in the year of the separation; see page 4 of this notice). However, if you do a rollover, you will not have to pay tax until you receive payments later (unless you choose a direct rollover to a Roth IRA) and the 10% additional income tax will not apply if those payments are made after you are age 59½ (or if an exception applies).

Where may I roll over the payment?

You may roll over the payment to either an IRA (an individual retirement account or individual retirement annuity) or an employer plan (a tax-qualified plan, section 403(b) plan, or governmental section 457(b) plan) that will accept the rollover. The rules of the IRA or employer plan that holds the rollover will determine your investment options, fees, and rights to payment from the IRA or employer plan (for example, no spousal consent rules apply to IRAs and IRAs may not provide loans). Further, the amount rolled over will become subject to the tax rules that apply to the IRA or employer plan.

How do I do a rollover?

There are two ways to do a rollover, either: (i) by direct rollover or (ii) through a 60-day rollover of a payment made to you.

If you do a direct rollover, the System will make the payment directly to your IRA or an employer plan. You should contact the IRA sponsor or the administrator of the employer plan for information on how to do a direct rollover.

If you do not do a direct rollover, you may still do a rollover by making a deposit into an IRA or eligible employer plan that will accept it. You will have 60 days after you receive the payment to make the deposit. If you do not do a direct rollover, the System is required to withhold 20% of the taxable portion of the payment for federal income taxes (up to the amount of cash and property received). This means that, in order to roll over the entire payment in a 60-day rollover, you must use other funds to make up for the 20% withheld. If you do not roll over the entire amount of the payment, the taxable portion of the amount not rolled over will be taxed and will be subject to the 10% additional income tax on early distributions if you are under age 59½ (unless an exception applies).

What can I roll over?

If you wish to do a rollover, you may roll over all or part of the amount eligible for rollover. Any payment from the System is eligible for rollover, except:

- Certain payments spread over a period of at least 10 years or over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary);
- Required minimum distributions after age 73 (if you were born after June 30, 1949), or after age 70½ (if you were born before July 1, 1949) or after death; and
- Corrective distributions of contributions that exceed tax law limitations.

Please contact the System Office at 1-800-347-6552 regarding what portion of a payment is eligible for rollover.

If I don't do a rollover, will I have to pay the 10% additional income tax on early distributions?

If you are under age 59½ (unless an exception below applies), you will have to pay the 10% additional income tax on early distributions for any payment from the System (including amounts withheld for income tax) that you do not roll over. This tax is in addition to the regular income tax on the taxable portion of the payment not rolled over.

The 10% additional income tax does not apply to the following payments from the System:

- Payments made after you separate from service if you will be at least age 55 in the year of the separation;
- Payments that start after you separate from service if paid at least annually in equal or close to equal amounts over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary);
- *Payments from the System made after you separate from service if you are a public safety employee and you are at least age 50 in the year of the separation;*
- Payments made due to disability;
- Payments after your death;
- Corrective distributions of contributions that exceed tax law limitations;
- Payments made directly to the government to satisfy a federal tax levy; and
- Payments made to an alternate payee under a qualified domestic order.

See IRS Form 5329 for more information on the additional 10% tax.

If I do a rollover to an IRA, will the 10% additional income tax apply to early distributions from the IRA?

If you receive a payment from an IRA when you are under age 59½, you will have to pay the 10% additional income tax on early distributions from the IRA, unless an exception applies. In general, the exceptions to the 10% additional income tax for early distributions from an IRA are the same as the exceptions listed above for early distributions from the System. However, there are a few differences for payments from an IRA, including:

- There is no exception for payments after separation from service that are made after age 55 (also the public safety age 50 rule does not apply);
- The exception for qualified domestic orders does not apply (although a special rule applies under which, as part of a divorce or separation agreement, a tax-free transfer may be made directly to an IRA of a spouse or former spouse);

- The exception for payments made at least annually in equal or close to equal amounts over a specified period applies without regard to whether you have had a separation from service; and
- There are additional exceptions for (1) payments for qualified higher education expenses, (2) payments up to \$10,000 used in a qualified first-time home purchase, and (3) payments for health insurance premiums after you have received unemployment compensation for 12 consecutive weeks (or would have been eligible to receive unemployment compensation but for self-employed status).

See IRS Form 5329 for more information on the additional 10% tax.

Will I owe State income taxes?

This notice does not describe any State or local income tax rules (including withholding rules).

SPECIAL RULES AND OPTIONS

If your payment includes after-tax contributions

After-tax contributions included in a payment are not taxed. If a payment is only part of your benefit, an allocable portion of your after-tax contributions is included in the payment, so you cannot take a payment of only after-tax contributions. However, if you have pre-1987 after-tax contributions maintained in a separate account, a special rule may apply to determine whether the after-tax contributions are included in a payment. In addition, special rules apply when you do a rollover, as described below.

You may roll over to an IRA a payment that includes after-tax contributions through either a direct rollover or a 60-day rollover. You must keep track of the aggregate amount of the after-tax contributions in all of your IRAs (in order to determine your taxable income for later payments from the IRAs). If you do a direct rollover of only a portion of the amount paid from the System and at the same time the rest is paid to you, the portion directly rolled over consists first of the amount that would be taxable if not rolled over. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions. In this case, if you directly roll over \$10,000 to an IRA that is not a Roth IRA, no amount is taxable because the \$2,000 amount not directly rolled over is treated as being after-tax contributions. If you do a direct rollover of the entire amount from the System to two or more destinations at the same time, you can choose which destination receives the after-tax contributions.

If you do a 60-day rollover to an IRA of only a portion of a payment made to you, the after-tax contributions are treated as rolled over last. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions, and no part of the distribution is directly rolled over. In this case, if you roll over \$10,000 to an IRA that is not a Roth IRA in a 60-day rollover, no amount is taxable because the \$2,000 amount not rolled over is treated as being after-tax contributions.

You may roll over to an employer plan all of a payment that includes after-tax contributions, but only through a direct rollover (and only if the receiving plan separately accounts for after-tax contributions and is not a governmental section 457(b) plan). You can do a 60-day rollover to an employer plan of part of a payment that includes after-tax contributions, but only up to the amount of the payment that would be taxable if not rolled over.

If you miss the 60-day rollover deadline

Generally, the 60-day rollover deadline cannot be extended. However, the IRS has the limited authority to waive the deadline under certain extraordinary circumstances, such as when external events prevented you from completing the rollover by the 60-day rollover deadline. To apply for a waiver, you must file a private letter

ruling request with the IRS. Private letter ruling requests require the payment of a nonrefundable user fee. For more information, see IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*.

If you were born on or before January 1, 1936

If you were born on or before January 1, 1936 and receive a lump sum distribution that you do not roll over, special rules for calculating the amount of the tax on the payment might apply to you. For more information, see IRS Publication 575, *Pension and Annuity Income*.

If you are an eligible retired public safety officer and your pension payment is used to pay for health coverage or qualified long-term care insurance.

Because the System is a governmental plan, if you retired as a public safety officer, and your retirement was by reason of disability or was after normal retirement age, you can exclude from your taxable income System payments paid directly as premiums to an accident or health plan (or a qualified long-term care insurance contract) that your employer maintains for you, your spouse, or your dependents, up to a maximum of \$3,000 annually. For this purpose, a public safety officer is a law enforcement officer, firefighter, chaplain, or member of a rescue squad or ambulance crew.

If you roll over your payment to a Roth IRA

If you roll over a payment from the System to a Roth IRA, a special rule applies under which the amount of the payment rolled over (reduced by any after-tax amounts) will be taxed. However, the 10% additional income tax on early distributions will not apply (unless you take the amount rolled over out of the Roth IRA within 5 years, counting from January 1 of the year of the rollover).

If you roll over the payment to a Roth IRA, later payments from the Roth IRA that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a Roth IRA is a payment made after you are age 59½ (or after your death or disability, or as a qualified first-time homebuyer distribution of up to \$10,000) and after you have had a Roth IRA for at least 5 years. In applying this 5-year rule, you count from January 1 of the year for which your first contribution was made to a Roth IRA. Payments from the Roth IRA that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10% additional income tax on early distributions (unless an exception applies). You do not have to take required minimum distributions from a Roth IRA during your lifetime. For more information, see IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*, and IRS Publication 590-B, *Distributions from Individual Retirement Arrangements (IRAs)*.

You cannot roll over a payment from the System to a designated Roth account in an employer plan.

If you are not a plan member

Payments after death of the member. If you receive a distribution after the member's death that you do not roll over, the distribution will generally be taxed in the same manner described elsewhere in this notice. However, the 10% additional income tax on early distributions and the special rules for public safety officers do not apply, and the special rule described under the section "If you were born on or before January 1, 1936" applies only if the member was born on or before January 1, 1936.

If you are a surviving spouse. If you receive a payment from the System as the surviving spouse of a deceased member, you have the same rollover options that the member would have had, as described

elsewhere in this notice. In addition, if you choose to do a rollover to an IRA, you may treat the IRA as your own or as an inherited IRA.

An IRA you treat as your own is treated like any other IRA of yours, so that payments made to you before you are age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies) and required minimum distributions from your IRA do not have to start until after you are age 73 if you were born after June 30, 1949 (or after you are age 70½ if you were born before July 1, 1949).

If you treat the IRA as an inherited IRA, payments from the IRA will not be subject to the 10% additional income tax on early distributions. However, if the member had started taking required minimum distributions, you will have to receive required minimum distributions from the inherited IRA. If the member had not started taking required minimum distributions from the System, you will not have to start receiving required minimum distributions from the inherited IRA until the year the member would have been age 73 if the member was born after June 30, 1949 (or until the year the member would have been age 70½ if the member was born before July 1, 1949).

If you are a surviving beneficiary other than a spouse. If you receive a payment from the System because of the member's death and you are a designated beneficiary other than a surviving spouse, the only rollover option you have is to do a direct rollover to an inherited IRA. Payments from the inherited IRA will not be subject to the 10% additional income tax on early distributions. You will have to receive required minimum distributions from the inherited IRA.

Payments under a qualified domestic order. If you are the spouse or former spouse of the member who receives a payment from the System under a qualified domestic order, you generally have the same options the member would have (for example, you may roll over the payment to your own IRA or an eligible employer plan that will accept it). Payments under the qualified domestic order will not be subject to the 10% additional income tax on early distributions.

If you are a nonresident alien

If you are a nonresident alien and you do not do a direct rollover to a U.S. IRA or U.S. employer plan, instead of withholding 20%, the System is generally required to withhold 30% of the payment for federal income taxes. If the amount withheld exceeds the amount of tax you owe (as may happen if you do a 60-day rollover), you may request an income tax refund by filing Form 1040NR and attaching your Form 1042-S. See Form W-8BEN for claiming that you are entitled to a reduced rate of withholding under an income tax treaty. For more information, see also IRS Publication 519, *U.S. Tax Guide for Aliens*, and IRS Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*.

Other special rules

If a payment is one in a series of payments for less than 10 years, your choice whether to make a direct rollover will apply to all later payments in the series (unless you make a different choice for later payments).

If your payments for the year are less than \$200, the System is not required to allow you to do a direct rollover and is not required to withhold for federal income taxes. However, you may do a 60-day rollover.

You may have special rollover rights if you recently served in the U.S. Armed Forces. For more information, see IRS Publication 3, *Armed Forces' Tax Guide*.

FOR MORE INFORMATION

This notice summarizes only the federal (not state or local) tax rules that might apply to your payment. The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may wish to consult with a professional tax advisor, before taking a payment from the System. Also, you can find more detailed information on the federal tax treatment of payments from employer plans in: IRS Publication 575, *Pension and Annuity Income*; IRS Publication 590-A, *Contributions to Individual Retirement Arrangements (IRAs)*; IRS Publication 590-B, *Distributions from Individual Retirement Arrangements (IRAs)*; and IRS Publication 571, *Tax-Sheltered Annuity Plans (403(b) Plans)*. These publications are available from a local IRS office, on the web at www.irs.gov, or by calling 1-800-TAX-FORM.



1001 N.W. 63rd Street, Suite 305
Oklahoma City, OK 73116-7335

Tel: (405) 840-3555 or (800) 347-6552 Fax: (405) 840-8465
www.opprs.ok.gov

NOTICE OF SELECTED DISTRIBUTION FOR A REFUND OF CONTRIBUTIONS

A distribution from the Oklahoma Police Pension and Retirement System (the "System") has certain tax consequences. While the System has been approved by the Internal Revenue Service ("IRS") as a qualified plan in form under Internal Revenue Code Section 401(a), this approval in no way addresses the tax consequences of a distribution from the System to any individual member or beneficiary of the System.

The System, the Oklahoma Police Pension and Retirement Board ("Board") and the participating employers are not responsible for any tax consequences to the recipient that result from the recipient receiving a distribution from the System. We strongly recommend that a recipient who will receive a distribution seek the advice of a competent professional tax advisor regarding the potential adverse tax consequences of the distribution.

NOTE: You may elect to have a part of the taxable portion of your distribution paid directly to you, and a portion handled as a *direct rollover*. The minimum value of a partial direct rollover must exceed \$500. If your total distribution is less than \$200, a *direct rollover* option is not available to you.

No income taxes will be withheld on the portion *directly rolled over*. If you are a surviving spouse and elect a *direct rollover* of all or a portion of your distribution, payment of the distribution will be made directly to an eligible employer plan, to a traditional IRA, or a Roth IRA. If you are a non-spouse beneficiary, you may only directly roll over the distribution to an Inherited IRA. Except to the extent it represents a return of after-tax contributions, any amount that is *directly rolled over* to a Roth IRA is taxable at the time of the rollover, but is not taxable when distributed from the Roth IRA. All amounts not eligible for rollover will be distributed to you. After-tax contributions may also be rolled over, but not all eligible employer plans accept a rollover of after-tax contributions.

If any portion of your taxable distribution is paid to you, the taxable portion of the distribution will be subject to the 20% mandatory federal income tax withholding unless it is an amount not eligible for rollover, in which case 10% will be withheld for taxes. Any taxable portion of the distribution that you do not roll over within 60 days of your receipt may also be subject to the 10% additional tax for early distribution unless (a) for a distribution made to the member after separation from service with his or her employer when he or she was at least 50 years old during the calendar year of separation from service, (b) the member was at least 59½ years old when the member received the distribution, or (c) the benefit is paid to a beneficiary.

The IRS requires that you receive the attached notice at least 30 days before payment of your distribution. **However, the 30-day notice requirement may be waived by checking the box that follows.**

1. **WAIVER OF 30-DAY NOTICE** I hereby affirmatively elect to waive any applicable notice requirement.

2.a. **DIRECT ROLLOVER – Pre-tax Contributions**
I hereby represent that the direct rollover is to:

- Traditional IRA Roth IRA 401(a) Plan (includes 401(k) Plan) 403(a) Plan 403(b) Plan
- Governmental 457(b) Plan (that separately accounts for rollovers) Inherited IRA (only option for non-spouse beneficiary)

I understand that if I elect the *direct rollover* option, my distribution will be made out in the name of the new trustee or custodian.

I understand that my **pre-tax** contributions will be rolled over in the following dollar amount* (\$) **or** percentage* (%):

\$ _____ **Or** _____ % *(*Item 3 must also be completed if less than total balance)*

Make payment to the trustee or custodian of the receiving plan, IRA or Roth IRA at the following address:

Name of Trustee or Custodian: _____

Name of Plan and/or Account Number (if applicable): _____

Address of Trustee or Custodian: _____

Contact Person: _____ Phone: _____

2.b. **DIRECT ROLLOVER – After-tax Contributions**

I hereby represent that the direct rollover is to:

- Traditional IRA Roth IRA 401(a) Plan (includes 401(k) Plan) 403(a) Plan 403(b) Plan
- Inherited IRA (only option for non-spouse beneficiary)

I understand that if I elect the *direct rollover* option, my distribution will be made out in the name of the trustee or custodian.

I understand that my **after-tax** contributions will be rolled over in the following dollar amount* (\$) **or** percentage* (%):

\$ _____ **Or** _____ % *(*Item 3 must also be completed if less than total balance)*

Make payment to the trustee or custodian of the receiving plan, IRA or Roth IRA at the following address:

Name of Trustee or Custodian: _____

Name of Plan and/or Account Number (if applicable): _____

Address of Trustee or Custodian: _____

Contact Person: _____ Phone: _____

3. **ISSUE PAYMENT TO ME FOR BALANCE NOT DIRECTLY ROLLED OVER**

I hereby instruct the System to pay me for the balance not directly rolled over. I understand that, in accordance with federal law, 20% of the taxable portion of my distribution which is not *directly rolled over* will be withheld toward payment of my federal income taxes. If a portion of your taxable distribution is *not eligible for rollover*, then you must also complete a Notice of Election for Required Minimum Distribution form. You may also be subject to tax penalties under the estimated tax payment rules if payments of estimated tax and withholding, if any, are not adequate.

I also understand that if I am an Oklahoma resident at the time of the distribution, Oklahoma law requires that 4.75% of the taxable portion of my distribution be withheld toward payment of my Oklahoma income taxes, unless I elect not to have any withholding. Even if you elect not to have state income tax withheld, you are liable for payment of income tax on the taxable portion of the balance not rolled over.

I do not want any Oklahoma income tax withheld on the taxable portion of the balance not rolled over.

MEMBER INFORMATION

Member	City of Membership	Social Security Number
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APPLICANT SIGNATURE

Applicant's Signature (Witnessed by Notary)	Date
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Please Print Name	Social Security Number
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Mailing Address	Telephone Number
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City, State and Zip Code	Email Address
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NOTARY'S SIGNATURE:

STATE OF _____) ss.

COUNTY OF _____)

Subscribed and sworn to before me, the undersigned notary, on this the _____ day of _____, 20_____.

Notary Signature _____ My commission number _____

[SEAL] _____ My commission expires _____