



# Transfer Due to Divorce—IRA

Use this form to transfer assets from a Traditional, Roth, Rollover, SEP, or SIMPLE IRA ("IRA") account to a former spouse receiving IRA assets as a result of a divorce decree or legal separation. These requirements are subject to change. Contact a Fidelity retirement specialist with any questions at 800-248-4253.

Read the following instructions carefully.

## Helpful to Know

- A certified original or copy of the divorce decree is required. See Document 2 below for specific requirements.
  - Transfers must be between the same types of IRA (e.g., IRA to IRA, Roth IRA to Roth IRA).
  - Fidelity is not able to accept instructions which require interpretation (e.g., calculations of earnings, interest, penalties, or "as of" specific dates).
  - If the former spouse does not have an existing IRA, submit a new account application along with this form.
- If the assets are transferring to a new custodian:** a Letter of Acceptance from the new custodian is required.

## Instructions/Required Documents

To transfer accounts, Fidelity Investments Institutional Operations Company LLC (FIIOC) may require additional legal documents along with this form. The additional documents are determined by the transfer requested (listed below).

### IRA Account Transfer

**Reason for Transfer:** Due to Divorce or Legal Separation *Paperwork needed (in addition to this form and a new account application, if applicable):*

#### Document 1 *Varies by situation*

**Important Reminder:** Review and update your beneficiary designations as needed to ensure your designations meet your current needs.\*

- If the assets are remaining at Fidelity:**
  - **And the recipient does NOT already have an account:** Fidelity Advisor IRA, SEP/SARSEP-IRA, or SIMPLE IRA Application completed and signed by the recipient of the assets.
  - **And the recipient already has a compatible account type:** No new application necessary; only Document 2 below is required.
- If the assets are moving to a new custodian:** Letter of acceptance from the new custodian.

#### Document 2

- A certified original or copy of the divorce decree,\*\* which includes the following information:**

**Important:** If the divorce decree does not indicate the accounts and amounts being transferred, a marital settlement agreement that notes the division and is incorporated or referenced into the decree may be used in conjunction with the decree to satisfy this requirement.

- **A specific transfer of assets request:** The divorce decree must clearly indicate that the account(s) are to be transferred. Terms such as "awarded to" are not acceptable. Per IRS guidelines, the transaction must be coded as a transfer of assets in order for it to be non-reportable and non-taxable.
- **The relinquishing shareholder's Fidelity Advisor account number(s):** The decree should include the Fidelity Advisor account number. **Note:** Due to an increase in privacy concerns, and because a divorce decree is a public record, it is acceptable if the decree references only the last 4 digits of the account number.
- **Specific assets to be transferred:** The decree must specifically state the Fidelity Advisor funds to be transferred or that all positions must be transferred. The decree should also be clear as to the percentage of shares to be transferred. **Note:** If a valuation date is not provided, the dollar amount or percentage will be processed as current. If the decree states a valuation date, the correct NAV for that valuation date will be used to calculate the amount to be transferred.

**Note:** As outlined in the Internal Revenue Code ("Code"), a Qualified Domestic Relations Order (QDRO) only applies to qualified plans described in Sections 401 and 414 of the Code (e.g., 401(k), 403(b), and 457(b) plans). The requirements for transfers incident to divorce/legal separation from IRAs (including Traditional, Roth, SEP, SARSEP, and SIMPLE IRAs) are outlined in Section 408 of the Code and do not correspond with the requirements or definitions in Sections 401 and 414. Therefore, we cannot accept QDROs for IRAs.

\* Effective March 31, 2012, Massachusetts law changed to adopt the Uniform Probate Code, which requires Fidelity to ensure that the appropriate beneficiaries receive the account assets following an account owner's death. Fidelity may require additional information and documentation in order to process beneficiary distributions in situations where it has received written notice of a divorce or a notice of a claimed revocation as a result of a divorce.

\*\* Per Fidelity policy, divorce decrees must be certified by a judge or clerk of a court of competent jurisdiction issuing the document to be in full force and effect.

**DETACH THIS INSTRUCTION PAGE FROM THE FORM.**

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Fidelity Investments Institutional Operations Company LLC  
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# Transfer Due to Divorce—IRA

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## 1. IRA Owner Information *Relinquishing party*

Account Number	Shareholder Name
Daytime Phone	

## 2. Former Spouse Information *Receiving party*

New Account *Application enclosed*

Existing Account Number	Shareholder Name
Daytime Phone	

## 3. Transfer Amount

Indicate the section or page of the applicable legal document that references the account(s) being transferred.

Details
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Full Transfer **OR**  Partial Transfer *Complete details below.*

### Transfer Details

Assets staying within Fidelity Advisor Funds will be transferred in-kind.

If providing a dollar amount, please specify the fund(s) below. If not specified, the transfer amount will be allocated from all funds in the account pro rata.

Fund Number	Amount	<b>OR</b>	Percentage
	\$		%
Fund Number	Amount	<b>OR</b>	Percentage
	\$		%
Fund Number	Amount	<b>OR</b>	Percentage
	\$		%
Fund Number	Amount	<b>OR</b>	Percentage
	\$		%
Fund Number	Amount	<b>OR</b>	Percentage
	\$		%



## 4. Signature(s) and Date(s) *IRA Account Owner and Former Spouse must sign and date.*

By signing below, you:

- Certify that the information supplied on this form is complete and accurate.
- Authorize and direct FIIOC to act on all instructions given on this form and agree to indemnify and hold us harmless from any and all losses, liabilities, claims, and costs (including reasonable attorneys' fees) resulting from our effecting any transaction or acting upon such instructions, if reasonable procedures designed to prevent unauthorized transactions are followed.

- Indemnify FIIOC (its agents, affiliates, successors and employees) from any and all liability in the event you fail to meet any Internal Revenue Service (IRS) requirements concerning your IRA(s) referred to in this form, as applicable.
- Authorize and direct FIIOC to transfer the specific dollar amount from all funds pro rata if the funds are not specified in Section 3 of the form.
- Acknowledge that you have consulted with independent tax or legal counsel regarding the transfer, that the document (or portions thereof) that has been presented as

evidence of a divorce or legal separation is a "divorce or separation instrument" within the meaning of Section 26 USCS §121(d)(3)(c)(i) of the Internal Revenue Code (Code), and that any directions given on this form are consistent with the entire divorce instrument, even if only a portion of the divorce or separation instrument has been provided.

- Acknowledge that failure to comply with the requirements of Code Section 408(d)(6) may result in reportable income for the year in which the transfer occurs and potential tax liabilities as a result of such failure.

### 4a. IRA Owner Signature and Date

A signature guarantee is required for the IRA Owner (Relinquishing party) if the value of the transfer is greater than \$100,000.

Print IRA Owner Name <i>Relinquishing party</i>	
IRA Owner Signature	Date <i>MM - DD - YYYY</i>
<b>SIGN</b> ▶	▶

SIGNATURE GUARANTEE STAMP

### 4b. Former Spouse Signature and Date

Print Receiving Party Name	
Receiving Party Signature	Date <i>MM - DD - YYYY</i>
<b>SIGN</b> ▶	▶

#### An important note regarding Signature Guarantees:

You should verify with the institution that they are an acceptable (eligible) guarantor prior to signing. A signature guarantee may be executed by any "eligible guarantor." Eligible guarantors include Commercial Banks, Trust Companies, Savings Associations, and Credit Unions as defined by the Federal Deposit Insurance Act. Also included are member firms of a domestic stock exchange. A Notary Public cannot provide a Signature Guarantee. We cannot accept a notarization instead of a Signature Guarantee.

**Did you print and sign the form, and attach any necessary documents?** Send the form and any necessary documents to Fidelity.

**Questions?** For help completing this form, call our Retirement Specialists at 800-248-4253 any day the New York Stock Exchange is open.

#### Regular mail

Fidelity Investments Institutional  
Operations Company LLC (FIIOC)  
P.O. Box 770002  
Cincinnati, OH 45277-0082

#### Overnight mail

Fidelity Investments Institutional  
Operations Company LLC (FIIOC)  
100 Crosby Parkway, KC1G  
Covington, KY 41015

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