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 Life Insurance: PO Box 5416, Cincinnati OH 45201 / 888-863-5891 / 800-859-0021 Fax
Overnight Address: 10th Floor, 301 E Fourth St, Cincinnati OH 45202

TRUST CERTIFICATION – IRREVOCABLE TRUST ADDENDUM

Name of Trust:

Contract Number(s) (if known)

1. Grantor Trust and Section 72(u) Status

A grantor-type trust is a trust where a grantor or other person is treated as a substantial owner of the trust under Internal Revenue Code Sections 671-679.

The **substantial owner** may be a grantor, another person who has contributed assets to the trust, or a beneficiary with a Crummey power (a temporary power to withdraw trust contributions). That person may be treated as the substantial owner of the trust if:

- trust income is required to be distributed to that person or his or her spouse
- trust income may be distributed to that person or his or her spouse if needed for support
- trust income may be distributed to that person or his or her spouse in the sole discretion of a trustee who does not have a competing interest in the trust
- there is the possibility of a reversion to that person
- that person controls who receives trust distributions and/or when trust distributions are made
- that person can deal with trust for less than adequate consideration
- that person can borrow trust assets without adequate interest or security
- that person can direct investments and/or voting for a closely held business
- that person can substitute assets of equal value for trust assets
- that person is a US person, and it is a foreign trust with at least one US beneficiary

The **substantial owner** may also be a trustee or beneficiary who has the discretion to distribute or withdraw trust assets for his or her own benefit.

Under Internal Revenue Code Section 72(u), an annuity contract is not entitled to tax deferral if it is owned by a trust, corporation, LLC, partnership, charitable organization, or other entity. There is an exception an annuity owned by a trust acting as a mere agent for a natural persons. The “agent for a natural person” exception applies if the trust is a grantor-type trust. If the trust is not a grantor-type trust, then the “agent for a natural person” exception only applies if all of the current and remainder trust beneficiaries are natural persons (human beings). A remainder beneficiary is a beneficiary who is entitled to benefit after the interest of a current beneficiary is over.

Each trustee represents that the trust has consulted with an attorney or tax advisor who is familiar with trust administration and tax issues regarding the income tax treatment of this trust.

(choose either box A or box B below)

- A. ☐ **The trust is a grantor-type trust.** The name and social security number of each person who is treated as a substantial owner of the trust is:

substantial owner name(s):	SSN(s):

- B. ☐ **The trust is NOT a grantor-type trust.** No person has any right in or control that would cause him/her to be a substantial owner of the trust for income tax purposes.

(if you checked box B, then you must also choose either box B(1) or box B(2) below)

- B(1) ☐ **All the current beneficiaries and vested remainder beneficiaries of the trust are natural persons.** No current beneficiary or vested remainder beneficiary is an entity.
- B(2) ☐ **At least one current beneficiary or vested remainder beneficiary of the trust is an entity.** Each trustee acknowledges that the annuity contract does NOT qualify for tax-deferred treatment, and that the annual increase in the surrender value of the contract over its cost basis will be currently reported as taxable income.

2. Responsibility for Tax Treatment and Consequences

Each trustee accepts full responsibility for the tax treatment of the trust and the annuity contract, and any adverse tax consequences and penalties that may arise if the information on this trust certification is incorrect.

3. Permission to Add Annuitant(s)

If this trust is a grantor-type trust, each trustee agrees that the Great American Insurance Group company that issued or administers the annuity contract may add a substantial owner identified above as an additional annuitant to the extent that the company determines it necessary to comply with Internal Revenue Code Section 72(s).

4. Indemnification

Each trustee agrees, both on behalf of the trust and individually, jointly and severally, to indemnify each Great American Insurance Group company that issued or administers the annuity contract, and hold it harmless from any claims, liabilities, and expenses, including reasonable attorney fees, that arise from reliance by the company on this trust certification. This indemnification shall survive the termination of the trust, the annuity contract, or this trust certification.

5. Reliance

On behalf of the trust, each trustee agrees that the Great American Insurance Group company that issued or administers the annuity contract may rely on this trust certification until the company receives a new certification advising it of any changes related to the tax treatment of the trust or annuity contract.

Signature of Trustee

Date

Signature of Co-Trustee (if required)

Date

Signature of Co-Trustee (if required)

Date