



**Internal Revenue Code Section 72(u) Disclosure  
(For Trust or Entity-Owned Contract – Non-Qualified ONLY)**

Under section 72(u) of the Internal Revenue Code, a trust or other entity which holds a non qualified deferred annuity contract may be taxed each year on the increase in the contract’s value regardless of whether the contract earnings are distributed, and the favorable tax treatment otherwise accorded to the holder of an annuity contract may be unavailable. An exception may apply if the trust or other entity holds an annuity contract as an agent for a natural person (i.e., an individual). New York Life Insurance and Annuity Company assumes that the prospective trust or other entity owner will be holding the annuity contract as an agent for a natural person and, as applicable, will issue IRS Form 1099-R to report actual distributions made in the prior tax year.

The undersigned must notify New York Life Insurance and Annuity Company if there is a change in circumstances which causes the trust or other entity owner to no longer be holding the annuity contract as an agent for a natural person. In this event, applicable tax reporting may be different than as described above.

New York Life Insurance and Annuity Company, its employees and agents cannot provide tax or legal advice. The undersigned is solely responsible for, and should consult its own tax and legal advisors with respect to, any tax consequences resulting from this contract being owned by a non natural person.

By signing below, I acknowledge and agree to the statements above.



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Applicant’s Signature

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Date