

DEATH BENEFITS DESIGNATION OF A TRUST AS BENEFICIARY

STEP 1 – Designate whether this form is being used for pre-retirement or post-retirement by checking the appropriate box.

STEP 2 – Upon the death of the member or retiree, and not later than the ninth month after the member or retiree's death, the trustee shall provide NHRS with a copy of the trust instrument and all amendments, as certified by the trustee.

☐ **Pre-Retirement:** Members may designate a trust as the beneficiary for certain pre-retirement death benefits on the *Designation of Death Beneficiary(ies) (Pre-Retirement) (D-NHRS-2)* form. The designation must provide the name and address of the trustee(s). Note: If the member's death is an accidental death (job-related), the pension portion of the applicable death benefit must be paid to an eligible surviving spouse, minor children, or dependent parents. The applicable Accidental Death Benefits would only be payable to the trust in the event that none of those beneficiaries were living or eligible.

☐ **Post-Retirement:** Retirees may designate a trust as the beneficiary for post-retirement death benefits. Each Group I (Employee and Teacher) or Group II (Police and Fire) retiree who has chosen either the Maximum Retirement Allowance or Option 1 may designate a trust as the beneficiary for post-retirement death benefits. Furthermore, each Group II retiree whose beneficiary(ies) is eligible to receive an additional lump sum death benefit may designate a trust as the beneficiary of that lump sum benefit. Designation of the trust as primary or contingent beneficiary is made on the appropriate retirement application. If changing beneficiaries after retirement, the retiree must complete a *Change of Death Beneficiary(ies) (Post-Retirement)* form. The designation must provide the name and address of the trustee(s).

SECTION I – CONDITIONS AND ACKNOWLEDGEMENT *(Each statement must be initialed.)*

- _____ 1. The member/retiree is the sole grantor of the trust.
- _____ 2. The trust is valid under New Hampshire law.
- _____ 3. Upon the death of the member/retiree, the trust is irrevocable and shall be certified by the trustee.
- _____ 4. I understand that NHRS is obligated to follow the terms of the relevant form on file at the time of the member's or retiree's death. For members, this is the *Designation of Death Beneficiary(ies) (Pre-Retirement) (D-NHRS-2)* form. For retirees, this is either the application for retirement or the *Change of Death Beneficiary(ies) (Post-Retirement)* form.
- _____ 5. I understand that NHRS is not responsible for ensuring the validity of the trust or for carrying out the terms of the trust in any way. It is the sole responsibility of the trustee to certify the validity of the trust and to administer the funds in a manner consistent with the trustee's powers.
- _____ 6. I understand that if, upon the death of the member/retiree, the named trustee(s) cannot be located, is incapacitated, deceased, or refuses to receive the death benefit as trustee(s) of the trust, or if the trust is deemed invalid under Conditions 1, 2, and/or 3 above, the applicable death benefit would then be paid pursuant to RSA 100-A.

SECTION II – MEMBER'S OR RETIREE'S SIGNATURE AND ACKNOWLEDGMENT

Name _____ Address _____

Signature _____ Date ____/____/____ Social Security # ____-____-____
Month Day Year

State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ by _____
Date Member or Retiree's Name

Signature of Person Taking Acknowledgment Title (Notary Public or Justice of the Peace) Expiration Date Affix Seal

The New Hampshire Retirement System (NHRS) is governed by New Hampshire RSA 100-A, rules, regulations, and Federal laws including the Internal Revenue Code. NHRS also implements policies adopted by the Board of Trustees. These laws, rules, regulations, and policies are subject to change. Even though the goal of NHRS is to provide information that is current, correct, and complete, NHRS does not make any representation or warranty as to the current applicability, accuracy, or completeness of any information provided. The information herein is intended to provide general information only, and should not be construed as a legal opinion or as legal advice. Members are encouraged to address specific questions regarding NHRS with an NHRS representative. In the event of any conflict between the information herein and the laws, rules, and regulations which govern NHRS, the laws, rules, and regulations shall prevail.