

Breaking News: Huge RIFT Victory!

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What is RIFT?

Release

IRA

Funds

Timely



What We'll Cover Today

- ▶ Introduction
- ▶ RIFT Victory
- ▶ 10 Tips for Your Success
- ▶ State Level RIFT Work
- ▶ “How to” with Fidelity Claims
- ▶ Where to From Here?

Who and What and When?

Delays and draconian paperwork with some financial institutions when paying IRA death claims to charities

Key to Understanding

- ▶ *Some IRA custodians won't pay death claims to "beneficiaries."*
- ▶ *They only pay if you 1st become their "customer."*

Intense Procedures to Receive Death Proceeds

- ▶ Instead of paying a death claim on the IRA, some financial institutions require the charity apply for and open up a **new** account first & then they transfer the donor's IRA into it
- ▶ Called an Inherited IRA (aka Beneficiary IRA)
- ▶ In order to establish the new account, the Custodian *interprets* the charity as their **“new customer”**
- ▶ Enter the Patriot Act (Section 326 - Know Your Customer but only applies to NEW CUSTOMERS) – Bank Secrecy, etc. - the custodians claim these apply

New Account Set-up

- ▶ **Require personal information of staff:**
 - ▶ **Social Security number**
 - ▶ **Home address**
 - ▶ **Driver's license**
 - ▶ **Personal financial statements***
 - ▶ **Credit check***
 - ▶ **Spouse's maiden name***
 - ▶ ***yet "ownership" prong doesn't apply to charities!**

Impact on Charities

- **Won't tell you the amount: 10 cents**
- **Delays: 2 to 3 full-ride scholarships**
- **Delays: 6 years**
- **Never told they were a beneficiary: 16 years**
- **CFO's personal 401(k)**
- **Withholding taxes – how to get it back?**
- **Won't pay any charity until all beneficiaries have ALL sent in paperwork**

Your Donor's IRA \$



Deceased Donor's
Original IRA
Contract

Forced to
Open New Account:
Inherited IRA
Beneficiary IRA

***Don't
go
there***



Some
custodians
claim they
can't do a
1099-R at
death

Deceased Donor's
Original IRA
Contract

*They only do a 1099
for "customers"*



New Account:
Inherited IRA

Does the Patriot Act* Apply?

The Financial Crimes Enforcement Network (FinCEN) is the government agency that regulates compliance with the Patriot Act:

“If the beneficiary continues to maintain the account after the passing of the previous customer, the bank should treat them as a customer.”

-FinCEN's Resource Center

6/20/2019

FinCEN

- ▶ **Reconfirmed in October 2022 with 7 of their lawyers**
- ▶ **But stay tuned...more later...**

Why?

*“Asset Conservation”
Technique*

Used by Some IRA Custodians

“It’s Not About the Money”RIGHT!

Some charge multiple types of fees for opening the new account or closing accounts.

It’s a money maker!

Most important!

- **No law requires a charity to open a new account or provide an employee's SSN**
- It's all just the company's "thoughtless" business policy

What Custodians Have Said

“You have two choices:

1: Give us the SSN, or

2: Disclaim the account!”

Ancillary Problems

Some custodians won't EVEN tell you you're a beneficiary in the first place!!!!

“Schwab has no obligation to locate or notify any beneficiary or to independently verify any information submitted either by your Authorized Party or any person claiming an interest in your account.”

- ▶ From Schwab's Beneficiary Account Terms ©2019 Charles Schwab & Co., Inc. (“Schwab”). All rights reserved. Member SIPC. 00234269

CC2711121 (0519-9GXP) APP10149-19 (12/19)

Problem Expanded

Some Financial Institutions
require a 2nd account for
non-IRA accounts – “TOD
accounts”

Tax Withholding Issues

- ▶ Improper withholding of federal or state income taxes by financial institutions
- ▶ Costing charities 10-20% or more of their death claim
- ▶ Years to get money back chasing it from the IRS as part of an income tax return/refund

RIFT Database

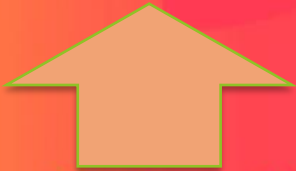
Database of IRA Custodians

- How to work through each IRA Custodian's process
- Who to contact
- What paperwork is required
- Sample letters and when to use each one
- NACGP gives charities and advisors free access

Free Access to Database

Don't need membership of
national CGP to use website

[www.charitablegiftplanners.org/
ira-distribution-resource-center](http://www.charitablegiftplanners.org/ira-distribution-resource-center)



Charitable Beneficiary IRA Distribution Resource Center

In a recent CGP survey 43% of organizations stated they experienced difficulty in collecting beneficiary proceeds from one or more IRA administrators.

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This center is meant to be dynamic with new resources and information added as they become available. If you have information to share or

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This center is meant to be dynamic with new resources and information added as they become available. If you have information to share or know of a resource that should be added, please let us know by adding your comments in the “Contact Us” bulleted link below.

- **Read About the Issue:** [Unmasking the Unthinkable: Financial Institutions Hoard Intended Charitable Gifts - August 5, 2022](#)
- [RIFT Database of IRA Custodians](#)
- [Join RIFT Advocates Working Group](#)
- [Transfer on Death \(TOD\) letter](#)
- [A Word About Income Tax Withholding](#)
- [New IRS Form W-4R in 2023](#)
- [Sample Corporate Resolution](#)
- [Royalty-Free Donor Audience Article](#)
- [Additional Reading](#)
- [Contact Us/Comments](#)



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Fidelity

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Raymond James

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RBC

[Learn More](#)

Who Does Not Require an Inherited IRA

As of 7/1/2023:

- Ameriprise (*new*)
 - Bank of the West (*new*)
 - BNY Mellon/Pershing
 - Edward Jones – another success
 - Merrill Lynch
 - Morgan Stanley*
 - Raymond James
- TD Ameritrade
 - TIAA
 - T Rowe Price (*new*)
 - US Bank
 - Vanguard*
 - Wells Fargo Bank
 - Wells Fargo Advisors (*new*)

***Yet TOD's require opening a new account**

Who'll Make an Exception?

As of 7/1/2023: KEY! Charities have to ask for the exception—it is not automatic. Use the RIFT letter made especially for this exception.

- **Charles Schwab – very easy to work with once you ask for the exception. If you don't ask for it, they'll make you open the Inherited IRA. Last case was 48 pages of paper to complete.**
- **Equitable (new to this list) – given if the charity pushes back against their requirements**

Latest FinCEN

- ▶ Requested FinCEN ruling against Fidelity August 2022
- ▶ Responded April 2023
- ▶ **No legal requirement for a 2nd account to pay a charity!!!!**



Financial Crimes Enforcement Network
U.S. Department of the Treasury

Washington, D.C. 20220

April 14, 2023

VIA ELECTRONIC MAIL

[REDACTED]

Re: [REDACTED] *Community Foundation Request for an Administrative Ruling Pursuant to 31 CFR § 1010.711*

Dea [REDACTED]

This responds to your request for an administrative ruling on behalf of [REDACTED] Community Foundation (the "Foundation"), submitted to the Financial Crimes Enforcement Network (FinCEN) on July 28, 2022 (the "Request").¹

The Request states that the Foundation is the named beneficiary of an individual retirement account (IRA)² maintained by Fidelity Brokerage Services L.L.C. ("Fidelity"). [REDACTED] who is deceased and held the original IRA, designated the Foundation as the beneficiary of the IRA. The Request further states that in order to receive the funds, Fidelity is requiring the Foundation to open a new IRA and submit information required by the Customer Identification Program (CIP) and Customer Due Diligence (CDD) Rules, including personal information about the Foundation's members of the Board of Directors or senior management. The Request asks whether a broker-dealer must comply with identity verification requirements in the CIP Rule³ and CDD Rule⁴ when distributing to a beneficiary of an IRA funds inherited as part of a charitable estate.

However.....

But..... *if Fidelity requires the OPENING OF A NEW ACCOUNT, then charity has to produce the following:*

- ▶ Name of control person
- ▶ Address (use charity's address)
- ▶ Okay to give Charity's EIN – don't have to give SSN of employee/staff/board – HUGE **VICTORY!**

Huge!

- ▶ A big sea change in how these claims will be paid
- ▶ We are on the front-end of this change
- ▶ RIFT database updated
- ▶ Letters to each custodian

Did Fidelity Know Ahead of Time?

A few weeks **prior** to the formal ruling, Fidelity changed their procedures which coincidentally matched the ruling's outcome (we've tested)

FinCEN used specific language in the ruling only used by the Fidelity attorney in the past.....

Hmmmmmm....

Fidelity Now

- Karen will walk us through the new Fidelity form & procedures
- Means no more personal financial info, spouse's maiden name, copy of DL, etc.!

Claims in Process

- Key: use FinCEN Ruling for all new claims with other financial institutions who require a personal SSN or other personal info beyond name of control person – database is updated for this
- Fidelity claims already in process where you've held off on personal info
- Other custodian claims already in process where you've held off on personal info

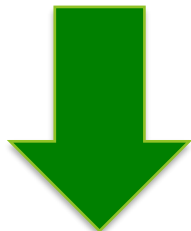
IRA Death Claim

Does the IRA custodian require Inherited IRA?

if Yes,



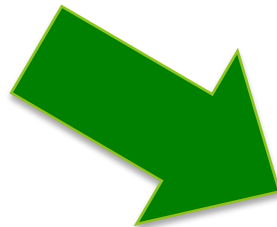
Does custodian require
SSN to open account?



If Yes,



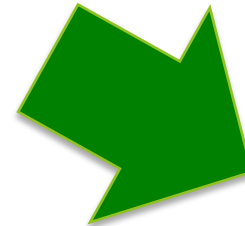
Then share
FinCEN Ruling



If No,
not a great scenario



but okay. Still need to open and then
liquidate this account.



If No,



**Best case
scenario!**

10 Tips for Success

1. **Follow-up at least weekly or biweekly**
2. **Keep copies of EVERYTHING you send – they'll lose it – 8 times**
3. **Reject information not required of charities – ownership/equity prong vs. control prong**
4. **Get to know when/where to use new IRS Form W4-P**
5. **Use the RIFT database – check every time due to new updates**

10 Tips for Success

6. **Know whose paper your death claim is written on – work with them and avoid middlemen if possible**
7. **Realize the custodian may not tell you the amount of your claim – push back – that’s your account now; also ask if there are other charitable beneficiaries so you can work together to push back**
8. **Beware of income tax withholding issues – especially with qualified plans. Jump on it right away if they withhold – make them fix it immediately**
9. **Know that IRAs can be processed differently than TOD accounts**
10. **Avoid asking for exceptions from anyone but legal department – others have no authority**

RIFT won a HUGE battle!

Yet, war not over.....



Receiving IRA Funds Timely

**Eliminating Delays
When Requesting
IRA & Other Death
Claims**

Promoting Change through:

- Awareness
- Federal and State Government Advocacy
- Sharing Resources

Fidelity IRA Beneficiary Distribution—Charity, Foundation, or a University

Use this form if you are an Authorized Individual/Manager/Partner (“Authorized Party”) of a charity, foundation, public university, or tax-exempt private university and need to establish a temporary inherited IRA account for the receipt and distribution of assets inherited from an existing Fidelity IRA. Do not use this form for a non-tax-exempt private university. Go to [Fidelity.com](https://www.fidelity.com) to download the appropriate forms, or contact Fidelity. Type on screen or fill in using CAPITAL letters and black ink. If you need more room for information, make a copy of the relevant page.

Helpful to Know

- In this application, “You,” “you,” and “your” refers to all Authorized Parties of the charity, foundation, or university (“Entity”). Each Authorized Party agrees that any Authorized Party has authority on behalf of this account.
- Upon receipt of this form, a temporary account will be established in the name of the Entity to facilitate the inheritance and distribution of assets.
 - The assets will be transferred in kind from the original IRA to this temporary account.
 - All assets transferred from the original IRA must be liquidated to a core position (“Core Position”), which will be the Fidelity® Government Money Market Fund, a money market mutual fund, and then distributed via check from the Core Position. The temporary account will be closed once the distribution is complete.
 - The timing of the transaction depends on when we receive this form, which is outside of your control. **Note:** Certain securities (such as options, certain fixed income securities, and thinly traded securities) may not be eligible to sell via this form, which may result in Fidelity not being able to process a withdrawal as requested.
- Any fees charged or expenses incurred in connection with instructions to liquidate all assets will be assessed at the rep-assisted rates. Please refer to the Schedule of Fees for more information.
- All transactions made using this form are reported to the IRS as an IRA death distribution on Form 1099-R.
- Nonresident aliens must provide IRS Form W-8BEN when completing this form. The nonresident alien tax-withholding rate of 30% will generally apply to all distributions, and the entire transaction will be reported to the IRS on Form 1042-S.

Additional Required Documents

- Copy of the death certificate.
- Entity’s Articles of Incorporation or other formation documentation.
- Inheritance tax waiver form, if required by the deceased’s state of residence.

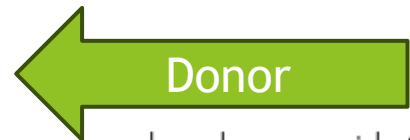
Please note: Fidelity may require additional documentation in some cases.

1. Deceased IRA Owner's Information *Include a copy of the deceased's death certificate and, if required by the deceased's state of residence, a state inheritance tax waiver.*

Provide the information of the IRA owner from whom the Entity is directly inheriting.

First Name	Middle Name	Last Name
Security Number		Date of Birth MM DD YYYY
Fidelity IRA/Roth IRA Number		Date of Death MM DD YYYY

Provide the deceased's existing IRA number.



If the person listed above was NOT the original owner and inherited the IRA from someone else, please provide the original owner's information below.

First Name	Middle Name	Last Name
Social Security Number		Date of Birth MM DD YYYY
		Date of Death MM DD YYYY

2. Entity Information

Provide the following information for the charity, foundation, or university—all information and required documentation must be provided in order for this form to be processed.

Enter full Entity name as evidenced by the relevant formation document (e.g., partnership agreement, articles of incorporation).

Entity Name		
Taxpayer ID Number	Primary Phone	Entity State/Country of Organization

Indicate the status of the Entity:

Response required.
Check one.

Operating Nonoperating *Examples can include, but are not limited to, a holding company, personal investment company, shell company, or similar.*

For universities only, provide the following information:

- Public university
 Tax-exempt private university



Permanent Address This is the legal address of the Entity used for tax reporting.

Street Address			
City	State/Province	ZIP/Postal Code	Country

Mailing Address This may be a PO box, drop box, or c/o location.

Same as above address *Default if no other information indicated below.*

Mailing Address			
City	State/Province	ZIP/Postal Code	Country

Form continues on next page. ►►

3. Authorized Party Information

Provide the following information for each Authorized Individual, Manager, or Partner authorized to act on behalf of the Entity. To provide information on additional individuals, make a copy of this Section 3.

Check if applicable.



This individual is also the Control Person for the Entity. A Control Person is defined as an individual person with significant responsibility for managing the Entity (e.g., a Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Managing Member, General Partner, President, Vice President, or Treasurer). **This account requires that there be at least one Control Person named. If the Control Person is not an Authorized Party, his or her information MUST be provided in Section 4.**

Enter full first and last name as evidenced by a government-issued, unexpired document (e.g., driver's license, passport, permanent resident card).

First Name		Middle Name	Last Name	
Control Person Title Required (e.g., Chief Executive Officer, General Partner, President)				
Date of Birth MMDD YYYY		Social Security or Taxpayer ID Number		
		<input type="checkbox"/> SSN OR <input checked="" type="checkbox"/> TIN		
Primary Phone		<input type="checkbox"/> Mobile Number	Secondary Phone	
		<input type="checkbox"/> Mobile Number		
Email				

Provide phone number(s) to be used to verify and/or authorize transactions.

Use TIN

Copy of ID No Longer Required!

3. Authorized Party Information, continued



Income Source *Industry regulations require us to ask for this information. Not applicable to public universities.*

Check one and provide information.

Employed Self-employed

Occupation		Employer <i>Leave blank if self-employed.</i>	
Employer Address			
City	State/Province	ZIP/Postal Code	Country

Retired Not employed

Source of Income <i>Pension, investments, spouse, etc.</i>
--

Skip this section

Associations *Not applicable to public universities.*

As a person associated with a member firm, you are obligated to provide

If you are employed by or associated with a broker-dealer, stock exchange, exchange member firm, the Financial Industry Regulatory Authority (FINRA), a municipal securities dealer, or other financial institution, or are the spouse or an immediate family member residing in the same household of someone who meets the aforementioned employ-



3. Authorized Party Information

Provide the following information for each Authorized Individual, Manager, or Partner authorized to act on behalf of the Entity. To provide information on additional individuals, make a copy of this Section 3.

Check if applicable. This individual is also the Control Person for the Entity. A Control Person is defined as an individual person with significant responsibility for managing the Entity (e.g., a Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Managing Member, General Partner, President, Vice President, or Treasurer). **This account requires that there be at least one Control Person named. If the Control Person is not an Authorized Party, his or her information MUST be provided in Section 4.**

Enter full first and last name as evidenced by a government-issued, unexpired document (e.g., driver's license, passport, permanent resident card).

First Name	Middle Name	Last Name	
Control Person Title <i>Required (e.g., Chief Executive Officer, General Partner, President)</i>			
Date of Birth <i>MM DD YYYY</i>	Social Security or Taxpayer ID Number		<input type="checkbox"/> SSN <input checked="" type="checkbox"/> TIN
Primary Phone	<input type="checkbox"/> Mobile Number	Secondary Phone	<input type="checkbox"/> Mobile Number
Email			

Provide phone number(s) to be used to verify and/or authorize transactions.

If you provided an email address, you have indicated your preference to receive communications electronically. Fidelity will email you instructions to enroll and consent to eDelivery of all eligible documents, or you can go to [Fidelity.com/eDelivery](https://www.fidelity.com/eDelivery) to enroll once this request is processed.

Residential Address (where you live) *This is your legal address you use for tax reporting.*

Street Address			
City	State/Province	ZIP/Postal Code	Country

Mailing Address *This may be a PO box, drop box, or c/o location.*

Same as residential address > Default if not completed

Mailing Address			
City	State/Province	ZIP/Postal Code	Country

Citizenship

Indicate your citizenship status.

- U.S. citizen *Skip to income source.*
 Permanent U.S. resident *Must provide Country of Citizenship below.*

Attach a copy of a valid and unexpired government ID showing number and photo.

Foreign citizen *Information in this box must be completed.*

Country of Citizenship	Country of Tax Residency <i>Only applicable to nonresidents of the U.S.</i>
------------------------	---



Use TIN

Skip this section



4. Control Person – Beneficial Ownership Information

Under the Customer Due Diligence Rules, Fidelity is required to collect certain information regarding a Control Person in order to satisfy our regulatory obligations as a broker-dealer. This account requires that there be at least one Control Person named.

Complete this section to provide information for the Control Person (as defined below) that is NOT already listed as an Authorized Individual in Section 3 of this form. **Only the individual(s) listed in Section 3 have authority to act on the account. If the Control Person is already listed in Section 3, check the box below and skip to Section 5.**

The Control Person is defined as: An individual person with significant responsibility for managing the Entity (e.g., a Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Managing Member, General Partner, President, Vice President, or Treasurer). This account requires that there be at least one Control Person named.



The Control Person has been listed in Section 3. You agree that you will notify Fidelity if or when beneficial ownership information of the Entity changes.
Skip to Section 5.

If Authorized Party Information is the same as the Control Person, the information is entered only once in Section 3 Authorized Party Information.

If you check the box also in Section 3, skip Section 4.

IF YOU ARE ENTERING INFORMATION FOR SEPARATE AUTHORIZED PARTY AND CONTROL PERSON.....

Control Person

Enter full first and last name as evidenced by a government-issued, unexpired document (e.g., driver's license, passport, permanent resident card).

First Name	Middle Name	Last Name	
Control Person Title Required (e.g., President, General Partner).			
Date of Birth MMDD YYYY	Social Security or Taxpayer ID Number		<input type="checkbox"/> SSN OR <input type="checkbox"/> TIN

Residential Address (where you live) This is your legal address you use for tax reporting.

Street Address			
City	State/Province	ZIP/Postal Code	Country

Citizenship

Indicate your citizenship status.

- U.S. citizen *Skip to income source.*
- Permanent U.S. resident *Must provide Country of Citizenship below.*

Skip this section

Attach a copy of a valid and unexpired government ID showing number and photo.

- Foreign citizen *Information in this box must be completed.*

Country of Citizenship	Country of Tax Residency <i>Only applicable to nonresidents of the U.S.</i>
------------------------	---

Form continues on next page. ▶▶



USE YOUR TIN – SSN no longer required



USE YOUR BUSINESS ADDRESS

5. Distribution Information and Tax Withholding

Important to note: The timing of the transaction depends on when we receive this form, which is outside of your control. Once we receive this form in good order, you cannot cancel this distribution request. The account will be closed upon distribution.

A check will be sent to the mailing address provided in Section 2. All positions will be liquidated. Trades may take up to five business days to process once determined to be in good order. Certain securities may not be eligible to sell via this form. Examples of ineligible securities include options, certain fixed income securities, and thinly traded securities. **In the event that transactions cannot be processed within five business days of determining your request to be in good order, Fidelity will notify you, and you may have to take additional action on the unsold positions within the account.**

Tax Withholding

Generally, distributions from a non-Roth IRA are subject to federal and, where applicable, state income tax withholding. **Neither federal nor state income tax will be withheld from the IRA distribution, unless you elect for tax to be withheld below.** If there are nondeductible contributions in the original IRA, any tax withholding may result in excess withholding from the distribution. If taxes are not withheld from the distribution, the Entity may be responsible for payment of estimated tax. The Entity may incur penalties under the estimated tax rules if the withholding and estimated tax payments are not sufficient. *See State Tax Withholding information — IRA Withdrawals* at the end of this form.

To elect for federal and/or state taxes to be withheld, provide the percentages below.

Check one in each column.

Federal

Withhold federal taxes at the rate of:

Percentage

%

*Minimum 10%, maximum 100%.
Whole numbers; no dollar amounts.
Note that if there is federal withholding, certain states require that there also be state withholding.*

State

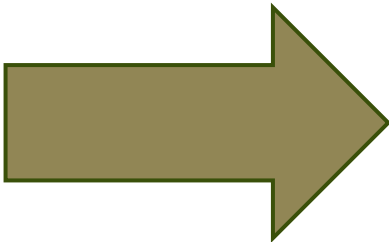
Withhold state taxes at the applicable rate.

Withhold state taxes at the rate of:

Percentage

%

*Maximum 100%. Whole numbers;
no dollar amounts.*



To help the government fight financial crimes, federal regulation requires Fidelity to obtain and verify your name, date of birth, address, and a government-issued ID number before opening your account, and to verify the information. In certain circumstances, Fidelity may obtain and verify comparable information for any person authorized to make transactions in an account. Also, federal regulation requires Fidelity to obtain and verify the beneficial owners and control persons of legal entity customers. Requiring the disclosure of key individuals who own or control a legal entity helps law enforcement investigate and prosecute crimes. Your account may be restricted or closed if Fidelity cannot obtain and verify this information. Fidelity will not be responsible for any losses or damages (including, but not limited to, lost opportunities) that may result if your account is restricted or closed.

You acknowledge that this account is governed by a predispute arbitration clause, which appears on the last page of the Agreement, and that you have read the predispute arbitration clause.

By signing below, you acknowledge that you have read, understand, and agree to be bound by the provisions of this form, including the above terms and conditions for this account.

A Medallion signature guarantee is required if the transaction is greater than \$100,000.

If the form is completed at a Fidelity Investor Center with all signers present, the Medallion signature guarantee is not required. You can get a Medallion signature guarantee from most banks, credit unions, and other financial institutions. **A notary sealstamp is NOT a Medallion signature guarantee.**

Please note: All Authorized Parties of the Entity must sign this form. Please print additional copies of this page if more signature boxes are needed.

	PRINT AUTHORIZED PARTY NAME
SIGN	SIGNATURE
	X
DATE	TODAY'S DATE MM/DD/YYYY
	X

▼ MEDALLION SIGNATURE GUARANTEE ▼



Did you sign the form? Send the ENTIRE form, death certificate, any additional required forms/documents, and a state inheritance tax waiver, if required, to Fidelity Investments.

Questions? Call 800-544-0003.

Regular mail
Fidelity Investments
PO Box 770001
Cincinnati, OH 45277-0039

Overnight mail
Fidelity Investments
Attn: Account Reregistration Services
100 Crosby Parkway KCIC
Covington, KY 41015

WHERE TO FIND THE NEW FIDELITY FORM



RIFTAdvocates
CGP's RIFT discussion
group.

Search bar: arch

Sort: er ▼

Upload Date ↓

- [Fidelity IRA Beneficiary Distribution - Charity, Foundation or University Form.pdf](#)
Like Download
- [WF IRA Beneficiary Designation Cover Sheet.2.docx](#)
Like Download

**Charitable Beneficiary IRA Distribution Resource Center
(RIFT Project)**

<https://charitablegiftplanners.org/ira-distribution-resource-center>

NEW!

“RIFT Advocates” Bequest Working Group

To join, contact:

Karen Smedley – Duke University

Phone: 919-684-0367





Questions

