

IRAs & Roth IRAs

IRA-to-IRA Rollovers & Transfers in 2018

The intent of this brochure is to provide an overview of rollovers, transfers, and conversions between traditional IRAs and Roth IRAs. It does not cover SIMPLE-IRAs and rollovers from or to qualified plans and section 403(b) plans. Different brochures cover these subjects. Since rollovers and transfers have very important tax implications, we strongly advise you to consult with your tax advisor.



QUESTIONS & ANSWERS

IRA to IRA

If I am paid funds from my IRA, what are the tax consequences?

The general rule is that the funds paid to you will be included in your income and taxed at ordinary income tax rates.

What is a rollover?

A rollover is an exception to the general rule that IRA distributions are taxed. The movement of funds in a rollover is as follows: the original IRA pays the funds to a person who then redeposits these funds into another IRA or the same IRA.

Even though you were paid the funds, you will not have to include the amount received as gross income if the rules summarized in this brochure are met. These “rolled over” funds will not be taxed until a future taxable distribution occurs.

Why would I want to roll over funds from an IRA into another IRA?

You will avoid paying current taxes, which is the normal result when a distribution is received. That is, you avoid paying current taxes on the distribution amount, plus the 10% excise tax which would apply if you were not yet age 59½ (unless a special exception applied). These re contributed funds plus related earnings will continue to compound or grow on a tax-free basis until distribution commences.

When do I qualify to roll over funds from an IRA to another IRA?

If you receive a distribution from your IRA, you can roll over these funds by redepositing them into an IRA if: (1) the funds are rolled over within 60 days after the day the funds are received, and (2) you have not rolled over a previous distribution from any IRA within the last 12 months. The 60-day period begins on the day after the day you receive a distribution.

What is the time limit for making a rollover contribution?

You generally must make the rollover contribution by the 60th day after the day you receive the distribution from your traditional IRA or your employer’s plan.

Example. You received an eligible rollover distribution from your traditional IRA on June 26, 2018, that you intend to rollover to another traditional IRA. To postpone including the distribution in your income, you must complete the rollover by August 25, 2018, the 60th day following June 26.

The IRS may waive the 60-day requirement where the failure to do so would be against equity or good conscience, in the event of a casualty, disaster, or other event beyond your reasonable control.

Is the once per 12-month rule a per IRA plan agreement rule?

No. The U.S. Tax Court ruled in January of 2014 that the 12-month rule does not apply on a per plan agreement basis. A person who has two traditional IRAs or one traditional IRA and one Roth IRA is allowed to rollover only one distribution from such IRAs within a 12-month period. The U.S. Tax Court ruled as it did even though the the IRS for over 20 years in its Publication 590 (Individual Retirement Arrangements) has expressly described the 12-month rule as being a per IRA plan agreement rule.

Has the IRS issued transition relief for the one-per-year IRA rollover limit?

Yes. In Announcement 2014-15 as issued on March 20, 2014, the IRS granted transition relief. The IRS issued a revised proposed IRA regulation implementing the revised rule that a person may rollover only one distribution during a 12-month period. However, the new rule will be effective no earlier than January 1, 2015. This means the “old” rule that the once-per-year rule applied on per IRA plan agreement basis

will continue to apply for distributions taking place between January 28, 2014 and December 31, 2014.

After the transition relief is no longer available, what is the consequence if I would roll over two IRA distributions within a 12-month period?

The distribution rolled over second would be an excess contribution since it is ineligible to be rolled over. If it was distributed from a traditional IRA, it would be taxable unless some portion was the return of basis. The annual 6% excise tax applying to excess contributions would apply unless corrected (i.e. withdrawn) by the appropriate deadline. Any attempted rollover contribution not meeting any one of the rollover rules would be an excess contribution.

What amount of an IRA distribution must I roll over?

You do not have to roll over the entire distribution. You can roll over as much or as little as you want. Any portion you do not roll over is taxable immediately, and may be subject to IRS penalties if the distribution is a premature (pre-age 59½) withdrawal.

Will withholding apply?

Any distribution from an IRA requires an income tax withholding election, since the distribution transaction is a taxable event if you do not recontribute the funds within 60 days. You may elect to have NO withholding. Absent such an election, the custodian/trustee is required to withhold 10% of the distribution.

When does the 60-day rollover period end?

The IRS has never formally stated that a person has until the following business day to make his or her rollover if the 60th day ended on a Saturday, Sunday or legal holiday. Therefore, the conservative approach is to complete the rollover on or before the 60 days, without extension.

There are two exceptions to the 60-day rule. First, if your distribution deposit was put into an institution which has had its deposits “frozen,” then you may

have longer than 60 days to complete the rollover. Refer to IRS Publication 590 for a discussion of the special “frozen deposit” rules. The second exception is, if you withdrew your funds for purposes of using such funds under the First-Time Home Buyer exception, but your acquisition or construction was delayed, then the 60-day limit is changed to 120 days.

What are the reporting requirements for a rollover?

The institution that pays the funds will generate an IRS Form 1099-R to report that a distribution has been made. If the funds are rolled over to an IRA, the new custodian or trustee will report the rollover contribution on Form 5498. Even if you roll over the entire amount of the funds, you will have to properly report this on your income tax return. You will explain the distribution is not taxable since you rolled it over.

How do I treat a rollover on my tax return?

You would report the total or gross amount of the IRA distribution, and the taxable amount. If the entire distribution is rolled over, the taxable amount is zero. The taxable amount is generally that portion not rolled over.

May I roll over the funds to an IRA I already have?

Yes. You do not need to open a new IRA. The funds may be deposited into an existing IRA.

If I die, does my beneficiary have any roll-over rights?

If the sole beneficiary of your IRA is your spouse, then he or she may elect to treat your IRA as his or her own IRA and will retain all rollover rights. If your spouse is one of your designated beneficiaries, but he or she is not your sole beneficiary, he or she is ineligible to treat your IRA as his or her own IRA. However, such spouse beneficiary is eligible to roll over to an IRA his or her share, but not any required distribution. A non-spouse beneficiary is ineligible to rollover inherited

IRA funds which have been paid to him or her. A non-spouse beneficiary is eligible to transfer inherited IRA funds into another inherited IRA.

Are rollovers and transfers subject to the annual IRA contribution limit?

No. There is no maximum contribution limit for a roll-over contribution or for a transfer contribution.

Is it permissible to roll over a required minimum distribution?

No. The law expressly provides that a required minimum distribution is not eligible to be rolled over. An excess contribution occurs if there is an attempt to roll over a required distribution.

The tax law also provides that the first distribution(s) from an IRA subject to the RMD rules will be the required distribution(s).

Am I ineligible to make a rollover or transfer because I am older than age 70 1/2?

No. You can establish an IRA by making a rollover or transfer contribution even though you are older than age 70 1/2. You still must comply with the required minimum distribution rules.

What property must I roll over?

You must roll over into the new IRA the same proper-

ty (cash, stocks, real estate) which you received from your old IRA. There is no authority — as there is with qualified plan distributions — for you to roll over the proceeds of the sale of the property.

What is a transfer?

A transfer of funds in your traditional IRA from one trustee directly to another, either at your request or at the trustee's request, is not a rollover. The funds are never paid or distributed to you. Because there is no distribution to you, the transfer is tax-free. Because it is not a rollover, it is not affected by the 1-year waiting period required between rollovers.

How is a transfer actually made?

A transfer form should be completed by both IRA custodians or trustees. The IRA trustee or custodian losing the funds (i.e. the funds which you want transferred) will want items for its file to substantiate why it did not prepare a Form 1099-R. First, it will want your written instruction to transfer specific IRA funds. Second, it will want the new or receiving IRA trustee or custodian to certify that you have established an IRA with the new institution.

The current IRA custodian/trustee will issue a check to the new IRA custodian/trustee for the benefit of Mary Doe's IRA. This check will be issued only after you instruct the current

IRA custodian in writing that you wish to transfer the funds. The right to transfer funds is contractual and does not exist under all IRA agreements. You need to check your plan agreement to see if there is a right to transfer funds. There may well be a charge associated with this special service.

The new IRA trustee or custodian will want the remitting custodian/trustee to certify that the funds were IRA funds. The new trustee may also want to know the "history" of the funds for conduit IRA rollover purposes and for required minimum distribution purposes.

What are the IRS reporting requirements for a transfer?

At this time, there are no reporting requirements.

Only distributions to the account holder or a beneficiary must be reported. With a transfer, there has been no such distribution.

Is it permissible to transfer a required minimum distribution?

Yes. The IRS clarified, in the final RMD regulation, that you, or any other person subject to the RMD rules, may transfer your entire traditional IRA to another traditional IRA, including any portion which is a required distribution for the current year. You will be responsible to make sure that your required distribution is made by the appropriate deadline.

Is there a limit on IRA transfers?

The governing law does not impose a limit on the frequency of moving IRA funds via transfer. Your IRA plan agreement, as sponsored by your IRA custodian or trustee, may contain limits.

Will there be withholding from an IRA transfer?

Income tax should never be withheld from a transfer, because the account holder has no opportunity to keep and use the funds, and, therefore, there is no taxable transaction.

IRA to Roth IRA

How do I convert my traditional IRA?

You can convert amounts from your traditional IRA to a Roth IRA by using any of the following three methods. The first method is the standard rollover. You can receive a distribution from a traditional IRA and roll it over (contribute it) to a Roth IRA within 60 days of the distribution. The second method is a trustee-to-trustee transfer. If permissible, you may direct the custodian/trustee of your traditional IRA to transfer an amount from the traditional IRA to the custodian/trustee of your Roth IRA. The third method is an internal movement. You direct the custodian/trustee of your traditional IRA to transfer an amount from your

traditional IRA to your Roth IRA.

Whatever conversion method is used, the custodian/trustee of the traditional IRA will prepare a Form 1099-R to report the distribution, and the custodian/trustee of the Roth IRA will prepare a 5498 to report the conversion contribution.

Why might I want to convert my traditional IRA to a Roth IRA?

You may find it advantageous to incur the tax consequences of a present distribution in order to qualify to earn the right to have no taxation when the earnings are ultimately distributed from the Roth IRA.

What are the consequences of receiving a distribution from a traditional IRA and “converting” the distribution to a Roth IRA?

In general, the amount distributed to you from your traditional IRA will be included in your income in the year of receipt and will be subject to income taxes for that year. The 10% premature distribution excise tax, however, will not be owed even if you are younger than age 59 1/2.

A distribution withdrawn from a traditional IRA and moved to a Roth IRA is not counted for purposes of applying the once per 12-month rollover rule.

Roth IRA to Roth IRA

If I receive a distribution from one Roth IRA, may I roll over the funds to a second Roth IRA?

Yes. The rules which govern a “Roth-to-Roth” rollover are generally the same as for a rollover from one traditional IRA to another traditional IRA. You must comply with the 60-day rule and you are only entitled to one rollover within a 12-month period as discussed earlier. Although funds you withdraw from a Roth IRA may not be taxable since you might be withdrawing basis, if you do not comply with the rollover rules, you lose the right to rollover such funds into a Roth IRA and possibly have the future income be tax-free when distributed.

May I transfer funds from a Roth IRA to another Roth IRA?

Yes. Transfers between Roth IRAs are permissible. The same procedures to be used for traditional IRAs should be used.

The information provided in this brochure is not intended to be legal or tax advice. You should consult your attorney or tax advisor for information that relates to your specific circumstances.

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