

SAMPLE POST-KENNEDY BENEFICIARY PROVISIONS
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Note: These sample provisions were derived from a defined contribution plan that is exempt from the qualified joint and survivor annuity (“QJSA”) requirements pursuant to Code Section 411(a)(11)(B)(iii).

“**Beneficiary**” or “**Beneficiaries**” shall mean the person or persons, including a trustee, personal representative or other fiduciary, last designated in writing by a Participant in accordance with the provisions of Section ____ to receive the benefits specified hereunder in the event of the Participant’s death. If there is no validly designated Beneficiary or surviving validly designated Beneficiary, then the Participant’s spouse shall be the Beneficiary. If there is no surviving spouse to receive any benefits payable in accordance with the preceding sentence, the duly appointed and currently acting personal representative of the Participant’s estate (which shall include either the Participant’s probate estate or living trust) shall be the Beneficiary. If there is no personal representative of the Participant’s estate duly appointed and acting in that capacity within 90 days after the Participant’s death (or such extended period as the Committee determines is reasonably necessary to allow such personal representative to be appointed, but not to exceed 180 days after the Participant’s death), then Beneficiary or Beneficiaries shall mean the person or persons who can verify by affidavit or court order to the satisfaction of the Committee that they are legally entitled to receive the benefits specified hereunder.

In the event any amount is payable under the Plan to a minor, payment shall not be made to the minor, but instead shall be paid to (i) that person’s then living natural or adoptive parent(s) to act