

PLAN SPONSOR:

North Dakota University System
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year. For example, you may be required for the year, disregarding the additional catch-

A variety of fees and expenses may be charged to your accounts and will affect your retirement savings. For example, investment fees are generally assessed as a percentage of assets invested, and are deducted directly from your investment returns. Investment fees can be in the form of sales charges, loads, commissions, 12b-1 fees, or management fees. You can obtain more information about such fees from the documents (e.g., a prospectus) that describe the investments funds.

Plan administration fees cover the day-to-day expenses of the Plan for recordkeeping, accounting, legal and trustee services, as well as additional services that may be available under the Plan, such as daily valuation, telephone response systems, internet access to plan information, retirement planning tools, and educational materials. In some cases, these costs are covered by investment fees that are deducted directly from investment returns. In other cases, these administrative fees are paid by NDUS or are passed through to the participants in the Plan, in which case a recordkeeping fee will be deducted from your accounts.

Transaction-based fees are associated with optional services offered under the Plan, and may be charged directly to your accounts if you take advantage of a particular plan feature that may be available. For more information on fees associated with your accounts, please contact TIAA at www.tiaa.org.

6. Will I lose benefits if I terminate employment with my Employer? Your 457(b) salary deferral contributions (increased or decreased by net earnings or losses) are always 100% vested. The same is true of rollover contributions and direct transfers (increased or decreased by net earnings or losses). Therefore, if you terminate employment, you will not lose or forfeit such amounts.

7. When and how will I receive my benefits from the Plan?

**DISTRIBUTIONS
AFTER TERMINATION
OF EMPLOYMENT:**

You may receive a distribution after you terminate employment for any reason. In order to receive a distribution, you must submit a written request to TIAA prior to the valuation date as of which you wish to receive your distribution. The distribution will then be made as soon as administratively practicable following such valuation date. However, if the value of your vested accounts is \$1,000 or less, including rollover contributions, it will be paid to you in a single lump sum within sixty (60) days following your termination of employment.

**DISTRIBUTIONS
WHILE EMPLOYED:**

You may withdraw amounts from your rollover accounts while you are employed by your Employer.

Unforeseen Emergency. In addition, you may request a distribution due to an unforeseen emergency. Generally, an unforeseen emergency is a severe financial hardship resulting from a sudden and unexpected illness or accident experienced by

you, your spouse or dependent; loss of your property due to casualty; or other similar extraordinary and unforeseeable circumstances that were beyond your control. You may not receive payment to the extent that your financial hardship is or may be relieved through insurance reimbursement, by liquidation of your assets or by ceasing deferrals under the Plan. The purchase of a home and the payment of college tuition *are not* unforeseeable emergencies. Please contact NDUS for more information.

Military Service Distribution. You may receive a distribution from your vested accounts if you are performing military service

payable to you. If you fail to make an election, your vested accounts will be paid to you in a single lump sum. Please contact TIAA for more information about the distribution of your accounts.

8. Are there tax consequences if I receive a distribution? You will incur federal and state income taxes with respect to the distribution of your vested accounts, as will your beneficiary in the event of your death. If you wish to defer paying taxes on your distribution, you may wish to transfer it to another 457(b) plan sponsored by a governmental entity. You may also elect a direct rollover to an individual retirement account (IRA), qualified retirement plan or certain other retirement savings vehicles, including a Roth IRA. In the event of your death, your surviving spouse may be eligible to roll over amounts held in the plan for him or her. Your nonspouse beneficiary may also be eligible to roll over amounts directly to an IRA or Roth IRA. Only certain distributions are eligible to be rolled over.

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Detailed information regarding the tax consequences of distributions and the availability of a rollover will be provided by TIAA to you before a distribution is made. You will want to read that information very carefully before deciding how to direct the trustee to make your distribution. TIAA is required to provide this information to you at least 30 days prior to the distribution and to give you a 30-day period to make your decision. Under

**WHEN
DISTRIBUTIONS
MUST BEGIN:**

Generally speaking, the law requires that if your death occurs before

your attorney or your spouse's or former spouse's attorney should contact TIAA to find out what will be required and the procedures for reviewing such judgments, decrees or orders. You may obtain, without charge, a copy of these procedures by contacting TIAA. Your spouse will generally be permitted to roll over his or her distribution to an IRA or other retirement savings vehicle under the rules described in Item 8.

12.2 May I borrow from the Plan?

Describe the procedures you must follow to have your claim reviewed further, including your right to bring a civil action in the event of an adverse decision.

If you disagree with NDUS's decision, you may request an appeal by filing a written application for review with NDUS within the 60-day period following your receipt of the notice of denial of your original claim. You will be entitled to review any applicable Plan documents or other records, to request copies of such documents without charge, and to submit written comments, documents or other materials relating to your claim for benefits. NDUS must provide you with a decision on your appeal within 60 days following receipt of your written request. However, if special circumstances require an extension of the time period for NDUS to make a decision, NDUS will, within the initial 60-day period, notify you of those circumstances and the date by which NDUS expects to make its decision. In no event will NDUS have longer than 120 days to make its decision. NDUS will issue a written explanation of its decision, which will be considered final. That explanation must:

State the reason(s) why your claim for benefits was denied;

Specifically refer to any plan provisions that formed the basis for NDUS's decision;

Inform you that you may have reasonable access to all documents, records and other materials relevant to your claim, and may request copies at no charge; and

Inform you of your right to bring a civil action.

If you do not give proper notice or otherwise follow the rules for filing and reviewing claims under the Plan, you and/or your beneficiary may not be able to take further legal action, including arbitration, to contest any decision made under the Plan with respect to your benefits.

16. Are my Plan benefits guaranteed or insured? Under federal law, the benefits under some types of retirement plans are insured by the Pension Benefit Guaranty Corporation if the Plan is terminated. This termination insurance is available only to plans that are "defined benefit" plans. Under federal law, this Plan is a

