

**DEFINITION OF REPLACEMENT**

In order to determine whether you are replacing or otherwise changing the status of existing life insurance policies or annuity contracts, and in order to receive the valuable information necessary to make a careful comparison if you are contemplating replacement, the agent/broker is required to ask you the following questions and explain any items that you do not understand.

As part of your purchase of a new life insurance policy or a new annuity contract, has existing coverage been, or is it likely to be:

- (1) Lapsed, surrendered, partially surrendered, forfeited, assigned to the insurer replacing the life insurance policy or annuity contract, or otherwise terminated?  YES  NO
- (2) Changed or modified into paid-up insurance; continued as extended term insurance or under another form of nonforfeiture benefit; or otherwise reduced in value by the use of nonforfeiture benefits, dividend accumulations, dividend cash values or other cash values?  YES  NO
- (3) Changed or modified so as to effect a reduction either in the amount of the existing life insurance or annuity benefit or in the period of time the existing life insurance or annuity benefit will continue in force?  YES  NO
- (4) Reissued with a reduction in amount such that any cash values are released, including all transactions wherein an amount of dividend accumulations or paid-up additions is to be released on one or more of the existing policies?  YES  NO
- (5) Assigned as collateral for a loan or made subject to borrowing or withdrawal of any portion of the loan value, including all transactions wherein any amount of dividend accumulations or paid-up additions is to be borrowed or withdrawn on one or more existing policies?  YES  NO
- (6) Continued with a stoppage of premium payments or reduction in the amount of premium paid?  YES  NO

If you have answered yes to any of the above questions, a replacement as defined by New York Insurance Department Regulation No. 60 has occurred or is likely to occur and your agent/broker is required to provide you with a completed Disclosure Statement and the **important** Notice Regarding Replacement or Change of Life Insurance Policies or Annuity Contracts.

**If any question above is answered "yes," I hereby authorize \_\_\_\_\_ (name of current insurer) to disclose all information necessary for policy numbers(s) \_\_\_\_\_ and the completion of the attached form(s) pursuant to the guideline set forth in New York Regulation 60.**

Is this a transfer to an existing account with cash value?  YES  NO

DATE: \_\_\_\_\_ SIGNATURE OF APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE OF APPLICANT: \_\_\_\_\_

To the best of my knowledge, a replacement is involved in this transaction:  YES  NO

DATE: \_\_\_\_\_ SIGNATURE OF AGENT/BROKER: \_\_\_\_\_

**VALIC – THE VARIABLE ANNUITY LIFE INSURANCE COMPANY**  
Houston, Texas

THE ATTACHED DEFINITION OF REPLACEMENT MUST BE COMPLETED FOR ALL REPLACEMENT APPLICATIONS WHERE THE STATE OF NEW YORK IS THE APPLICATION SITE.

**INSTRUCTIONS (Detach this form before beginning)**

**CLIENT INFORMATION** (Must be completed and submitted with attached form.)

Applicant Name		SSN or Tax ID	
Existing Insurer's Name		Existing Policy Number	
Existing Insurer's Address	City	State	ZIP
Proposed VALIC Policy: _____		Series	
Product Name			

1. Complete "Definition of Replacement" (VL 12667-NY IC) form to determine whether or not the proposed transaction is a replacement. This form must be signed and dated by the applicant and the advisor.
2. Forward "Definition of Replacement" (VL 12667-NY IC) form along with this instruction page containing the completed Client Information Section at the top of the page to the following address:

VALIC Document Control P.O. Box 15648 Amarillo, TX 79105-5648  (Faxing is permitted) Fax: 800-858-2542	Overnight Delivery: VALIC Document Control 2261 S.E. 27th Avenue Amarillo, TX 79103
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3. VALIC will request values from the replaced insurer and complete sections I, II, III, and IV of the Disclosure Statement (VL 12670-NY IC). If replaced insurer does not respond within 20 days, VALIC will make a good faith approximation of the replaced insurer's values.
4. VALIC will forward a packet to the Independent Advisor or Broker/Dealer with the following forms:
  - "Definition of Replacement" (VL 12667-NY IC)
  - Disclosure Statement (VL 12670-NY IC)
  - "Important Notice Regarding Replacement or Change of Life Insurance Policies or Annuity Contracts" (VL 12669-NY IC)
5. Advisor will complete Section V of the Disclosure Statement (VL 12670-NY IC), then both the advisor and the applicant will sign and date the form.
6. Have the applicant sign the "Important Notice Regarding Replacement or Change of Life Insurance Policies or Annuity Contracts" (VL 12669-NY IC).
7. Leave a signed and completed copy of the "Important Notice...", "Definition of Replacement," and "Disclosure Statement" with the applicant.
8. Forward to VALIC, along with the completed application:
  - Completed "Important Notice...", "Definition of Replacement," and "Disclosure Statement";
  - A copy of any proposal, including the sales material used in the proposed sale.

**DISCLOSURE STATEMENT (Annuity to Annuity Replacement Only)**

IMPORTANT - it may not be in your best interest to surrender, lapse, change or borrow from existing annuity contracts in connection with the purchase of a new annuity contract whether issued by the same or a different insurance company. You are urged to contact your existing agent/broker or insurance company prior to completing the transaction. They can help you decide whether the replacement is in your best interest.

FOR YOUR PROTECTION, the Insurance Department of the State of New York requires that you be given this Disclosure Statement, the IMPORTANT Notice Regarding Replacement or Change of Life Insurance Policies or Annuity Contracts and the Definition of Replacement, together with policy information on all proposed and existing coverage affected.

**SECTION I**

Name of Applicant: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Name of Licensed Agent/Broker: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Company: \_\_\_\_\_ Address: \_\_\_\_\_

**SECTION II**

The information on existing coverage on this form was obtained from:

- The replaced company.
- Approximations if replaced company failed to provide information in the prescribed time.

**SECTION III**

	(1)	(2)	(3)
_____ Company:	_____	_____	_____
_____ - _____ Customer Service Tel. No.:	_____ - _____	_____ - _____	_____ - _____
_____ Type of Annuity:	_____	_____	_____
_____ Contract Number: #	# _____	# _____	# _____
_____ Issue Date:	_____	_____	_____
\$ _____ Account Value:	\$ _____	\$ _____	\$ _____
\$ _____ Minus Surrender Charge:	\$ _____	\$ _____	\$ _____
_____ Plus/Minus Market Value:	_____	_____	_____
\$ _____ Adjustment (if any):	\$ _____	\$ _____	\$ _____
\$ _____ Equals Surrender Value:	\$ _____	\$ _____	\$ _____

↗ Replaced insurer should complete this section.

**SECTION IV**


**SUMMARY RESULT COMPARISON:  
THE PROPOSED ANNUITY**

Surrender Value to be Invested: \$ \_\_\_\_\_

		If Variable Annuity Hypothetical Rates of Return			
At Guaranteed Rate	At Current Rate	@ 0%	@ 6%	@ 12%	
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	<b>SURRENDER VALUE</b>
					In 5 Years
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	In 10 Years
					<b>DEATH BENEFIT</b>
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	In 5 Years
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	In 10 Years

**IF YOU CONTINUE YOUR CURRENT ANNUITY**

		If Variable Annuity Hypothetical Rates of Return		
At Guaranteed	At Current	@ 0%	@ 6%	@ 12%
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

 Replaced insurer should complete this section.

**SECTION V**

**AGENT/BROKER'S STATEMENT:**

1. The primary reason(s) for recommending the new annuity contract is (are): \_\_\_\_\_  
\_\_\_\_\_
2. The existing annuity contract cannot meet the applicant's objectives because: \_\_\_\_\_  
\_\_\_\_\_
3. The advantages of continuing the existing annuity contract without changes are: \_\_\_\_\_  
\_\_\_\_\_
4. The surrender charge, if my client replaces his or her existing annuity contract, is \_\_\_\_\_% or \$\_\_\_\_\_.  
The new annuity my client is applying for imposes a new surrender charge as follows: (Describe percentage rate of  
surrender charge for each year in which a surrender charge is imposed.)

REMARKS: \_\_\_\_\_

- The attached proposal, including sales material, was used in this sale.
- No proposal or sales material was used in this sale.

If more than three existing annuity contracts are to be affected by this transaction or if more than one new annuity contract is proposed, the first page of this Disclosure Statement must be completed for such additional annuity contracts. In addition, a composite comparison shall be completed for all existing annuity contracts to all proposed annuity contracts. The proposal, including sales material used in the sale of the proposed annuity contract, must accompany the submission of this form to the insurer. Copies must be given to the applicant.

I have personally completed this form and certify that it is correct to the best of my knowledge and ability.

Date: \_\_\_\_\_ Signature of Licensed Agent/Broker: \_\_\_\_\_

I hereby acknowledge that I received and read the above “Disclosure Statement” before I signed the application for the new annuity contract.

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING REPLACEMENT OR CHANGE OF LIFE INSURANCE POLICIES  
OR ANNUITY CONTRACTS**

**THIS NOTICE IS FOR YOUR BENEFIT AND REQUIRED BY REGULATION NO. 60**

You are contemplating the purchase of a life insurance policy or annuity contract in connection with the surrender, lapse or change of existing life insurance policies or annuity contracts. The agent/broker is required to give you this notice together with a signed disclosure statement containing the summary result comparison for the new life insurance policy or annuity contract and any life insurance policies or annuity contracts to be changed that sets forth the facts of the transaction and its advantages and disadvantages to you. Your decision could be a good one – or a mistake – so make sure you understand the facts. You should:

1. Carefully study the Disclosure Statement, which includes a Summary Result Comparison, until you are sure you understand fully the effect of the transaction.
2. Ask the company or agent/broker from whom you bought your existing life insurance policies or annuity contracts to review with you the transaction and the Disclosure Statement. You may be able to effect the changes you desire more advantageously with them. Their customer service telephone number is contained in the Disclosure Statement.
3. Consult your tax advisor. There may be unfavorable tax implications associated with the contemplated changes to your existing life insurance policies or annuity contracts.

As a general rule, it is often not advantageous to drop or change existing coverage in favor of new coverage, whether issued by the same or different insurance company. Some of the reasons it may be disadvantageous are:

1. The amount of the annual premium under an existing life insurance policy may be lower than that called for by a new life insurance policy having the same or similar benefits. Any replacement of the same type of policy will normally be at a higher premium rate based upon the insured's then-attained age.
2. Since the initial costs of a life insurance policy are charged against the cash value increases in the earlier life insurance policy years, the replacement of an old life insurance policy by a new one results in the policyholder sustaining the burden of these costs twice. Annuity contracts usually contain provision for surrender charges, therefore a replacement involving annuity contracts may result in the imposition of surrender charges.
3. The incontestable and suicide clauses begin anew in a new life insurance policy. This could result in a claim being denied under the new life insurance policy that would have been paid under the life insurance policy that was replaced.
4. An existing life insurance policy or annuity contract often has more favorable provisions than a new life insurance policy or annuity contract in areas such as loan interest rate, settlement options, disability benefits and tax treatment.
5. There may have been changes in your health since the purchase of the existing coverage.
6. The insurance company with which you have existing coverage can often make a desired change on terms that would be more favorable than if you replaced existing coverage with new coverage.

You have the right, within 60 days from the date of delivery of a new life insurance policy or annuity contract, to return it to the insurer and receive an unconditional full refund of all premiums or considerations paid on it, or, in the case of a variable or market value adjustment policy or contract, a payment of the cash surrender benefits provided under the policy or contract, plus the amount of all fees and other charges deducted from gross considerations or imposed under the life insurance policy or annuity contract, and may have the right to reinstate or restore any life insurance policies and annuity contracts that were surrendered, lapsed or changed in the transaction to their former status to the extent possible and in accordance with the insurer's published reinstatement rules to the extent such rules are not inconsistent with the provisions of this part.

**IMPORTANT: THIS RIGHT SHOULD NOT BE VIEWED AS REINSTATING OR RESTORING YOUR LIFE INSURANCE POLICY OR ANNUITY CONTRACT TO THE SAME CONDITION AS IF IT HAD NEVER BEEN REPLACED. THERE MAY BE CONSEQUENCES IN REINSTATING OR RESTORING YOUR LIFE INSURANCE POLICY OR ANNUITY CONTRACT, INCLUDING BUT NOT LIMITED TO:**

- The right to reinstate or restore your life insurance policy or annuity contract applies only to companies subject to New York insurance laws;
- Your life insurance policy or annuity contract is subject to your specific company’s reinstatement rules, which may vary from company to company. These rules may require payment of both premium and interest; however, you will not be subject to evidence of insurability or a new contestable or suicide period;
- You may not receive the interest or investment performance during the period the life insurance policy or annuity contract was replaced; and
- There may be unfavorable Federal Income Tax consequences as a result of the reinstatement of your life insurance policy or annuity contract.

**IMPORTANT: IN THE CASE OF A VARIABLE OR MARKET VALUE ADJUSTMENT POLICY OR CONTRACT, THE VALUE OF THE POLICY OR CONTRACT MAY INCREASE OR DECREASE DURING THE 60-DAY PERIOD DEPENDING ON THE PERFORMANCE OF THE UNDERLYING INVESTMENTS, WHICH MAY EFFECT THE VALUE OF THE REFUND YOU RECEIVE.**

I hereby acknowledge that I read the above “IMPORTANT NOTICE” and have received a copy of the same.

DATE: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_