

STATE OF CALIFORNIA – DEPARTMENT OF INSURANCE
QUALIFICATION TO TRANSACT A VARIABLE ANNUITY BUSINESS
(Rev. 3/2016)

In the Matter of Application of _____, for
qualification to transact a variable annuity business.

Directions: Each “yes” or “no” question is to be answered by marking an “X” in the appropriate space.

Any answer may be supplemented by reference to an attachment, which should include the number of the question corresponding to the supplementary response. Any question answered "no" or "not applicable" should include an explanatory supplement.

Please answer each and every question. If the applicant is unclear on the meaning of a question, it should seek clarification from the California Insurance Department or explain the basis or assumptions underlying the applicant's answer.

This certification must be executed by an executive officer with full authority to speak for the applicant and who knows the facts pertaining to the certification. If no one person has knowledge relating to all matters covered by the certification, the applicant may submit certifications from multiple affiants. Each affiant should specify precisely which answers he or she is affirming.

All references to "service agreements affecting the administration of the applicant's variable annuity business" include both contracts pertaining to the separate account itself and to any mutual fund constituting the investment vehicle for a separate account registered as a unit investment trust pursuant to the Investment Company Act of 1940. Such agreements include, without limitation, all agreements for administration, accounting recordkeeping, data processing, investment advice, underwriting, distribution, purchase of shares from funds, and custodial services.

References to "underlying funds" refer to both (1) a mutual fund or funds constituting the investment vehicle for a separate account which has been registered as a unit investment trust pursuant to the Investment Company Act of 1940; and (2) any other fund or investment pool serving as an investment vehicle for a separate account. If the applicant's separate account invests in several separate funds, the questions should be interpreted to refer to all funds or pools underlying the separate account.

Please note that questions referring to specific types of contracts (e.g., investment advisory agreements) are not the sole questions dealing with that specific type of contract. They are supplemental to the general questions pertaining to all contracts, including those specifically referenced in the additional questions.

TO THE INSURANCE COMMISSIONER OF THE STATE OF CALIFORNIA:

I, _____, first being duly sworn, do depose and say that this certification is
(Name of Affiant)
made and offered in support of the application of _____
(Name of Applicant)
of _____ for authority to transact a variable annuity
(City and State of Home Office)

business; that I am an executive officer of such Applicant; that I have carefully read the questions herein; and that the answers given are true of my own knowledge, except as to those specifically alleged on information and belief, and as to those I believe the answers to be true.

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Question:

1. Have responsible persons with authority in the management of the applicant's variable annuity operations carefully reviewed and acquainted themselves with the provisions and requirements of California Insurance Code ("CIC") §§10506 through 10506.3? ☐ Yes ☐ No
2. Have responsible persons with authority in the management of the applicant's variable annuity operations carefully reviewed and acquainted themselves with the provisions and requirements of Title 10, California Code of Regulations, Section 2525, et seq.? ☐ Yes ☐ No
3. Does the applicant possess a certificate of authority authorizing it to transact life insurance in the State of California? ☐ Yes ☐ No
4. Does the applicant possess a certificate of authority authorizing it to transact life insurance and annuities in its home state? ☐ Yes ☐ No
5. Does the applicant possess authority from its home state to transact a variable annuity business?
☐ Yes ☐ No
6. Does the applicant possess a combined capital and surplus of at least five million dollars, free, clear and unencumbered? ☐ Yes ☐ No
7. Have all officers, directors and other key management persons of the applicant at no time during the past ten years been convicted on, or had pronouncement of a sentence suspended on, or been pardoned for conviction of, or pleaded guilty or nolo contendere to, an information or an indictment in any jurisdiction charging a felony for embezzlement, theft, larceny, mail fraud or violation of any corporate securities statute or regulation, or any insurance law or regulation? ☐ Yes ☐ No
8. Have all persons and entities, (and officers, directors, and key management persons of such entities) owning or controlling, directly or indirectly, an interest in more than 10 per cent of the stock of the applicant at no time during the past ten years been convicted on, or had pronouncement of a sentence suspended on, or been pardoned for conviction of, or pleaded guilty or nolo contendere to, an information or an indictment in any jurisdiction charging a felony for embezzlement, theft, larceny, mail fraud or violation of any corporate securities statute or regulation, or any insurance law or regulation? ☐ Yes ☐ No
9. Is the applicant unaware of any fact or circumstance concerning any its officers or directors that would adversely affect the character or general fitness of such officer or director, or impair the ability of the officer or director to assume and exercise responsibility? ☐ Yes ☐ No
10. Has the applicant at no time during the past ten years been convicted on, or had pronouncement of a sentence suspended on, or been pardoned for conviction of, or pleaded guilty or nolo contendere to, an information or indictment in any jurisdiction charging any criminal offense? ☐ Yes ☐ No
11. Has the applicant at no time during the past ten years been adjudged or determined by any court to be liable or culpable as alleged in any civil action filed against it by any state or federal agency?
☐ Yes ☐ No
12. Has the applicant's certificate of authority, in every state where it is admitted, remained unrevoked, unsuspended, and otherwise in good standing for the past ten years? ☐ Yes ☐ No

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13. Has the applicant at no time during the past ten years received an order from any state or federal agency to halt or cease and desist from any action or practice? ☐ Yes ☐ No
14. Has the applicant at no time during the past ten years been subject to any proceeding of conservation or receivership by any state or federal agency? ☐ Yes ☐ No
15. Has the applicant at no time during the past ten years entered into any consent decrees or similar stipulations with state or federal agencies in regard to penalties or sanctions (other than monetary fines) for alleged violation of any state or federal statute or regulation, which decrees or stipulations required suspension, demotion, dismissal, retirement or transfer of any officer, director or other management official, any change in ownership or control of the applicant, or any revision in the applicant's procedures or operations? ☐ Yes ☐ No
16. Has the applicant at no time during the past five years agreed, or been required, to pay a fine, forfeiture or monetary settlement of \$1,000 or more, in connection with insurance, annuity, or securities-related activities, by any state or federal agency (other than for late filing of documents)? ☐ Yes ☐ No
17. Has the applicant duly received a certificate of authority from every state to which it has applied for admission during the last ten years? ☐ Yes ☐ No
18. Is the applicant presently subject to no enforcement actions brought by any state or federal agency in connection with the applicant's insurance, annuity, or securities-related activities? ☐ Yes ☐ No
19. Is the applicant presently subject to no lawsuits or other legal actions which are or would be required to be disclosed under federal securities statutes or regulations? ☐ Yes ☐ No
20. Has the applicant's Board of Directors duly adopted a resolution creating the separate account or accounts used in the operation of the applicant's variable annuity business? ☐ Yes ☐ No
21. Does the applicant's resolution authorize the allocation to the separate account of premiums or other amounts paid to the applicant pursuant to a variable annuity contract for purposes of providing for benefits under this contract? ☐ Yes ☐ No
22. Does the resolution or other enabling document(s) relating to the separate account specify that the income, if any, and the gains and losses, realized and unrealized, on the applicant's variable annuity separate account(s) shall be credited or charged to the separate account without regard to other gains or losses by the applicant? ☐ Yes ☐ No
23. Does the resolution or other enabling document(s) relating to the separate account specify that the variable annuity separate account(s) shall not be chargeable with liabilities arising out of any other business of the applicant? ☐ Yes ☐ No
24. Does the resolution or other enabling document(s) relating to the separate account specify the manner or policy by which the amounts allocated to the variable annuity separate account, and accumulations thereon, shall be invested and reinvested? ☐ Yes ☐ No
25. Are all amounts allocated to the applicant's variable annuity separate account(s) owned by the applicant? ☐ Yes ☐ No

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26. Will the applicant at no time hold itself out as a trustee for any amounts in the variable annuity separate account(s) (or any underlying fund(s))? ☐ Yes ☐ No
27. Is the applicant's Board of Directors legally responsible for all acts concerning the separate account? ☐ Yes ☐ No
28. Will every variable annuity contract delivered or issued for delivery in California be funded by or reserved in a single separate account? ☐ Yes ☐ No
29. Will the applicant maintain all reserves for benefits guaranteed as to dollar amount and duration, as well as funds guaranteed as to principal amount or stated rate of interest, only in its general account and not in its variable annuity separate account(s), unless otherwise approved by the California Insurance Commissioner? ☐ Yes ☐ No
30. Except as expressly requested by contract holders, or approved by the California Insurance Commissioner, will the applicant sell, exchange or transfer assets between its separate accounts, or between its general account and any of its variable life insurance separate account(s), only in order to establish such separate account(s) or support the operation of the variable annuity contracts with respect to the separate account to which the transfer is made? ☐ Yes ☐ No
31. Will all transfers of assets between separate accounts or between the applicant's general account and a variable life insurance separate account be made only in cash, or by a transfer of securities having a readily-determinable market value and previously approved by the California Insurance Commissioner? ☐ Yes ☐ No
32. Have all proposed or contemplated investment series or portfolios been disclosed in the application papers? ☐ Yes ☐ No
33. Has the applicant formulated a precise plan of operations for transaction of a variable annuity business, including:
- a. Provisions for securing all necessary investment, custodial, data processing, principal underwriting, policy form preparation, policy transaction processing, and actuarial services? ☐ Yes ☐ No
 - b. A definite program or system for marketing the products to the public? ☐ Yes ☐ No
 - c. Identification of target markets and geographic regions? ☐ Yes ☐ No
 - d. Arrangement for a duly-licensed agency force or other lawful means of selling policies to the targeted markets? ☐ Yes ☐ No
 - e. Financial estimates and projections regarding anticipated future expenses and revenues arising from the variable annuity business? ☐ Yes ☐ No
34. Has the applicant's plan of operations for transaction of its variable annuity business been carefully reviewed, considered and approved by the principal executive officer(s) responsible for such functions? ☐ Yes ☐ No
35. Will the applicant, if authorized to transact variable annuities in this State, submit to the

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Commissioner the statements specified in Title 10, California Code of Regulations Section 2531(a) at the intervals specified in that Section? ☐ Yes ☐ No

36. Will the applicant, if authorized to transact a variable annuity business in this State, mail to each California contract holder, at his or her last known address, the statements specified in Title 10, California Code of Regulations Section 2531, and at the intervals specified by that Section? ☐ Yes ☐ No
37. (a) Is the applicant aware that all variable annuity sales materials and advertisements are subject to the general life advertising requirements at Title 10, California Code of Regulations §§2547-2547.11? ☐ Yes ☐ No
- (b) Will the applicant examine all such materials for compliance with Title 10, California Code of Regulations §§2547-2547.11 prior to use in California? ☐ Yes ☐ No
38. Will the applicant, in transacting its California variable annuity business, at no time reserve discretion to implement, for special cases or particular persons, any changes in variable annuity premium amounts or other terms and conditions not equally available to all other similarly-situated persons? ☐ Yes ☐ No
39. Will the applicant, in transacting its California variable annuity business, at no time purport to reserve unlimited discretion to reject an application for "any reason"? ☐ Yes ☐ No
40. Will the reserve liabilities for all fixed incidental insurance benefits, and any guarantees associated with the fixed aspects of variable incidental insurance benefits, be maintained in the general account in amounts determined in accordance with actuarial procedures appropriate to such benefits? ☐ Yes ☐ No
41. Will the reserve liabilities for all variable aspects of variable incidental insurance benefits be maintained in the separate account in amounts determined in accordance with actuarial procedures appropriate to such benefit? ☐ Yes ☐ No
42. Will the separate account reserve liabilities be equal to the account values without reduction because of any surrender or other charges which might be imposed on the separate account fund? ☐ Yes ☐ No
43. Will the reserve liabilities for variable annuity contracts be established pursuant to the provisions of California Insurance Code Section 10489.1 et seq. ("Standard Valuation Law") in accordance with actuarial procedures that recognize the variable nature of the benefits provided, the variable nature of premiums, and any mortality guarantees? ☐ Yes ☐ No
44. Will Applicant at no time offer or provide any guarantee relating to the investment performance or results of its variable annuity separate account or underlying fund? ☐ Yes ☐ No
45. Will all assets of the applicant's variable annuity separate account, and any underlying fund, be held at all times within the borders of the United States? ☐ Yes ☐ No
46. If the applicant's variable annuity separate account, or any underlying fund (or series, portfolio, or other subdivision thereof) will invest any assets in repurchase agreements:

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- (a) Will all repurchase agreements be transacted only with entities meeting specific credit and solvency standards administered and verified by the investment advisor? ☐ Yes ☐ No
- (b) Will all repurchase transactions be executed pursuant to a comprehensive master repurchase agreement setting forth the terms and conditions of the transaction, and having the incidents of a valid promissory note in favor of the separate account, fund, or subdivision thereof? ☐ Yes ☐ No
- (c) Will a valid, binding security interest in favor of the separate account, fund, or subdivision thereof be created, and perfected, in all collateral securing such repurchase agreements? ☐ Yes ☐ No
- (d) Will all such repurchase agreements be secured at all times by collateral consisting of liquid assets having a market value of not less than 102% of the cash or assets transferred to the other party in the repurchase transaction? ☐ Yes ☐ No
47. If the applicant's variable annuity separate account, or any underlying fund (or series, portfolio, or other subdivision thereof) will engage in the lending of its securities, will all security lending transactions be entered into only with entities meeting specific credit and solvency standards administered and verified by the applicant or the investment advisor? ☐ Yes ☐ No
48. If the applicant's variable annuity separate account or any underlying fund (or series, portfolio or subdivision thereof) will invest in instruments or certificates of any sort issued by the U.S. office of a bank or other savings institution domiciled in a foreign nation, or a foreign branch of a U.S. savings institution, will all such instruments or certificates be payable in the United States and in U.S. dollars? ☐ Yes ☐ No
49. Will all investments of the applicant's variable annuity separate account (and any underlying funds) which possess a readily-available market value be valued either at their market value on the date of valuation, or at amortized cost if it approximates market value within the limits and constraints imposed by the U.S. Securities and Exchange Commission? ☐ Yes ☐ No
50. Will all investments of the applicant's variable annuity separate account (and any underlying funds) which lack a readily-available market be valued according to specific, objective methods or procedures set forth in writing? ☐ Yes ☐ No
51. Is the investment advisor to the separate account, and/or underlying fund if applicable, duly registered as an investment advisor pursuant to the Investment Advisor Act of 1940? ☐ Yes ☐ No
52. Does the investment manager of each investment subdivision, portfolio, or series of the applicant's separate account (or underlying fund) possess substantial expertise and experience as an investment manager or advisor of a portfolio consisting of assets and investments of the same type as he or she will manage in regard to the applicant's separate account investments? (If experience is less than three years, please provide resume of investment manager and provide notarized certifications that the applicant has fully investigated and is satisfied with the qualifications, background, and expertise of the investment manager.) ☐ Yes ☐ No
53. Have the managers of each investment subdivision, portfolio, or series of the applicant's separate account (or underlying fund) at no time during the past ten years resigned to avoid dismissal or been dismissed or requested to resign from any position involving investment duties, on account of violation of any law, rule or ethical standard relating to insurance, annuities, or securities? ☐ Yes ☐ No

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54. Do the investment advisory agreements concerning the applicant's variable annuity operations provide in substance that notwithstanding any other provisions of the agreement, it is understood and agreed that the applicant or, if applicable, the underlying fund, shall retain the ultimate responsibility for and control of all investments made pursuant to the agreement, and reserve the right to direct, approve or disapprove any action taken on its behalf by the investment advisor? ☐ Yes ☐ No
55. Is every custodian holding securities or other assets of the applicant's variable annuity separate account (or underlying fund) an institution permitted to serve in such capacity by the Investment Company Act of 1940 and/or reviewed and approved for such purpose by the U.S. Securities and Exchange Commission? ☐ Yes ☐ No
56. If the applicant plans to reinsure any obligations under its variable annuity contracts, will all such reinsurance be ceded only to insurers admitted to transact life insurance in California? ☐ Yes ☐ No
57. If the applicant plans to reinsure any obligations under its variable annuity contracts, will such reinsured obligations consist only of guaranteed minimum death benefits, and fixed-amount incidental insurance benefits? ☐ Yes ☐ No
58. Does the applicant refuse to employ (except with the prior written approval of the home state insurance commissioner) in any material connection with the handling of separate account assets, or assets of any underlying fund, any person who:
- (a) In the last 10 years has been convicted of any felony or misdemeanor arising out of conduct involving embezzlement, fraudulent conversion, or misappropriation of funds or securities, or involving violations of Title 18, United States Code §§1341, 1342, or 1343? ☐ Yes ☐ No or;
- (b) Within the last 10 years has been found by any state regulatory authority to have violated, or has acknowledged violation of, any provision of any state insurance law involving fraud, deceit or knowing misrepresentation? ☐ Yes ☐ No or;
- (c) Within the last 10 years has been found by any federal or state regulatory authorities to have violated, or have acknowledged violation of, any provision of federal or state securities laws involving fraud, deceit, or knowing misrepresentation? ☐ Yes ☐ No
59. Will the applicant make inquiries and attempt to determine that no persons, firms, or employees of firms which supply consulting, investment, administrative, custodial or other services affecting the administration of the applicant's variable annuity business, have been subject to the sanctions described in the preceding question? ☐ Yes ☐ No
60. Is the applicant aware of and able to comply with the California Insurance Code provisions concerning conflicts of interest (CIC §§1101-1104) as applied to each and all of the following persons in respect to variable annuity operations:
- (a) officers and directors of the applicant, ☐ Yes ☐ No
- (b) members of any managing committee or board of a separate account, ☐ Yes ☐ No
- (c) officers and members of any managing committee or board of any underlying fund controlled by

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the insurer, and ☐ Yes ☐ No

(d) officers, directors and portfolio managers of any investment advisor affiliated with the insurer?

☐ Yes ☐ No

61. Will the applicant seek to prevent all of the following persons: (a) officers and directors of the applicant, (b) members of any managing committee or board of a separate account, (c) officers and members of any managing committee or board of any underlying fund, and (d) officers, directors and portfolio managers of the investment advisor, from receiving, directly or indirectly, any commission, or any other compensation with respect to the purchase or sale of assets of such separate account (or underlying fund)? ☐ Yes ☐ No
62. Will no officer, director, trustee, or member of any governing board or body of (a) the applicant, (b) the separate account, (c) any underlying fund, and (d) the principal under writer or distributor, receive directly or indirectly any commissions or any other compensation contingent upon the writing, issuance, sale, procurement of application for, or renewal, of any variable annuity contract? ☐ Yes ☐ No
63. Is the applicant a party to no service agreement affecting the operation of its variable annuity business which provides that if the agreement is terminated, the operations of the applicant or of any separate account underlying fund or series thereof must be discontinued or restricted in any way? ☐ Yes ☐ No
64. Are all service arrangements affecting the administration of the applicant's variable annuity of business in writing? ☐ Yes ☐ No
65. Do all service agreements affecting the administration of the applicant's variable annuity business expressly allow the applicant (or underlying fund, if applicable) to terminate such contracts without payment of any penalty, forfeiture, compulsory buyout amount, or performance of any other obligation which could deter termination? ☐ Yes ☐ No
66. Do all service agreements affecting the administration of the applicant's variable annuity business afford the applicant (or its underlying fund, if applicable), a right to cancel the contract and discharge the servicing entity or person in the event such entity or person fails to perform in a satisfactory manner? ☐ Yes ☐ No
67. Do all service agreements affecting the administration of the applicant's variable annuity business provide that the applicant or the separate account (or the underlying fund, if applicable) shall own and control all the pertinent records pertaining to its variable annuity operations? ☐ Yes ☐ No
68. Do all service agreements affecting the administration of the applicant's variable annuity business provide that the applicant, separate account, or the underlying fund, if applicable, shall have the right to inspect, audit and copy all records pertaining to performance of services under the agreement? ☐ Yes ☐ No
69. Does the applicant have authority and ability to exercise actual supervision and control of the marketing of its variable annuity contracts? ☐ Yes ☐ No
70. Does the applicant possess and enforce clear, written standards governing the supervision of the marketing of its variable annuity contracts? ☐ Yes ☐ No

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71. Do the contract(s) providing for the sale to the applicant's separate account of the shares of an underlying mutual fund, if any, expressly provide for sales and redemptions of fund shares, upon demand by the applicant, at the shares' net asset value as either next or last determined in accordance with the latest fund prospectus? ☐ Yes ☐ No
72. Do all agreements providing for the collection of premium funds in connection with the administration and transaction of the applicant's variable annuity business expressly require that all such premiums be held at all times in a fiduciary capacity and promptly (or in any event within no more than 30 days) be forwarded to the applicant? ☐ Yes ☐ No
73. Do all agreements pertaining to the underwriting and/or marketing of the applicant's variable annuity business preserve the applicant's ability to exercise the following rights or duties:
- (a) To retain the ultimate right to appoint and discharge agents? ☐ Yes ☐ No
 - (b) To retain the ultimate right of control over, and responsibility for, marketing the variable annuity contract? ☐ Yes ☐ No
 - (c) To retain the ultimate right of control over, and responsibility for, the design and terms of the variable annuity contract? ☐ Yes ☐ No
 - (d) To review and approve all advertising concerning its variable annuity contract? ☐ Yes ☐ No
 - (e) To reject variable annuity contract applications for good cause and to retain ultimate responsibility for underwriting? ☐ Yes ☐ No
 - (f) To require that all parties selling the applicant's variable annuity products be duly licensed as insurance producers pursuant to applicable state law and to retain the ultimate responsibility for such licensing? ☐ Yes ☐ No
 - (g) To require that the marketing entity not give any information nor make any representations concerning any aspect of the applicant's variable annuity contracts or operations to any person or entity unless such information or representations are contained in the registration statement and the pertinent prospectus filed with the Securities & Exchange Commission, or are contained in sales or promotional literature approved by the applicant? ☐ Yes ☐ No
74. Does the applicant agree and commit to deliver to all California variable annuity applicants who receive any prospectus as required by the securities laws of the United States, a copy of any "Statement of Additional Information" prepared as a supplement to such prospectus, and to deliver the Statement(s) of Additional Information concurrently with delivery of the prospectus? ☐ Yes ☐ No
75. Will the applicant at no time furnish to any California resident any projections of past investment experience into the future, and/or any attempted predictions of future investment experience? ☐ Yes ☐ No
76. Does the applicant agree and commit to file promptly with the California Department of Insurance all amendments to (1) resolutions establishing its variable contract separate accounts, (2) prospectuses and statement of additional information, and (3) substantial changes in management, all in accordance

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with Title 10, California Code of Regulations Sections 2526.1 and 2626.2, together with the filing fees required by law (California Insurance Code §10506.2)? ☐ Yes ☐ No

77. Will all variable annuity contracts delivered or issued for delivery in California contain a statement of the procedures to be followed by the insurer in determining the dollar amount of variable benefits and fixed benefits? ☐ Yes ☐ No
78. Will every variable annuity contract delivered or issued for delivery in California (including every group contract and every certificate of coverage) which provides benefits payable in variable amounts state that the dollar amount of benefits will vary to reflect investment experience, and in addition, contain on its first page a clear statement that the benefits under the annuity will vary with the investment experience? ☐ Yes ☐ No
79. Will every variable annuity contract delivered or issued for delivery in California which provides benefits payable in fixed amounts during the annuity period contain a statement on the first page that benefits, although guaranteed after the annuity commencement date, depend upon the experience of the separate account prior to the annuity commencement date? ☐ Yes ☐ No
80. Will every individual variable annuity contract delivered or issued for delivery in California which provides for the payment of periodic stipulated payments contain the following provisions:
- (a) A grace period of at least 30 days, within which any stipulated payment after the first payment may be made? ☐ Yes ☐ No
- (b) A reinstatement period of at least two years from the date of default in making a periodic stipulated payment within which the contract may be reinstated upon payment of all overdue amounts due under the contract, along with any applicable interest? ☐ Yes ☐ No
- (c) A statement specifying the options available in the event of default in making a periodic stipulated payment? ☐ Yes ☐ No
- (d) Will such options include an option to receive a paid-up annuity if the contract is not surrendered for cash, with the amount of the paid-up annuity being determined by applying the value of the contract at the annuity commencement date in accordance with the terms of the contract? ☐ Yes ☐ No
81. Will every variable annuity contract delivered or issued for delivery in California stipulate the investment increment factors to be used in computing the dollar amount of variable benefits or other variable contract payments? ☐ Yes ☐ No
82. Will every individual variable annuity contract delivered or issued for delivery in California, under which expense and mortality results may adversely affect the dollar amount of benefits, clearly specify the expense and mortality factors to be used? ☐ Yes ☐ No
83. Will every individual variable annuity contract delivered or issued for delivery in California provide for an annual net investment increment assumption of 5% or less for computing variable benefits? ☐ Yes ☐ No

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I hereby further certify and agree on behalf of the applicant that if the applicant's variable annuity operations should in the future cease to be conducted in accordance and conformity with the certifications contained herein, the applicant consents to the surrender or suspension of its California qualification to transact a variable annuity business, if at any time the Department determines, after due notice and opportunity to respond is afforded the applicant, that such surrender or suspension is warranted due to the applicant's failure to continue to comply with the certification and representations set forth above; and the applicant further herewith agrees and stipulates to the issuance of an order under California Insurance Code §1065.1, without further proceedings, in the event the applicant shall have failed to surrender its variable annuity qualification or to accept suspension as herein above described, within 15 business days after the Department's request therefor in accordance with this provision.

Witness my signature this _____ day of _____, 20____, at _____

(Affiant)

(Title)

Subscribed and sworn to before me on the date and year above written.

(Notary Public in and for said County and State)

My commission expires _____