



Forms completed in pencil or amended using correction fluid will not be accepted.

Fill out all parts of this form that apply to the entity. For this form, an entity means a person (other than a natural person) or a legal arrangement, such as a corporation, a partnership, a trust, an association, a fund, a joint venture, an organization, a syndicate, and a foundation. For a sole proprietorship, fill out Form 800868, TD Canada Trust Residency Self-Certification – Individual (include Sole Proprietor). If you need help to determine the entity's tax residency for this form, see "Residency of a corporation" or Income Tax Folio S6-F1-C1: Residence of a Trust or Estate, at canada.ca/taxes.

For more information, see "General Information" and "Definitions" at the end of this form.

Part 1: Account Holder Information (MANDATORY)

Full legal name of Business/Trust

Address

If your mailing address is different than above, please update our records at your nearest Branch.

Part 2: Country(ies) of Residence Declared for Tax Purposes (MANDATORY)

TAX RESIDENCE is usually countr(ies) where your business is located or operates. Each country has its own rules for defining tax residency. Countr(ies) where the business files/pays income tax are likely tax residency(ies).

A. Is your business/trust a tax resident of Canada?

Yes No

If yes, provide your Canadian Business Number _____ or Trust Account Number _____ (if applicable)

B. Is your business/trust a U.S. entity?

No

Yes

- Provide your U.S. Employer Identification Number (EIN): _____ and,
- Is your business/trust a U.S. Specified Person? No Yes

C. Is your business/trust a tax resident of country(ies) other than Canada or the U.S.? Yes No

If yes, your entity is required to declare all countries in which it is considered a resident for tax purposes. For each country declared, provide your entity's Taxpayer Identification Number (TIN), if applicable.

TIN: A TAXPAYER IDENTIFICATION NUMBER (TIN), often referred to by its abbreviation TIN, is a unique identifier made of letters or numbers that the jurisdiction uses to administer tax laws and assigns to an entity (this includes BN or Trust number).

Country of Tax Residence:	Taxpayer Identification Number (TIN):

**If additional space is required, please copy this page, sign and include with your package.*

Part 3: Entity Classification (MANDATORY)

A. Is your business/trust a Financial Entity?

NO - go to 3B

YES

If Yes: Provide your Global Intermediary Identification Number (GIIN) _____

Select ONE of the following:

Investment Entity in a Non-Participating Jurisdiction and Managed by another Financial Institution classification will be recorded as Passive NFE), **go to Part 4 & 5**

Investment Entity - Other

Financial Institution (other than an Investment Entity)

B. Is your business/trust a Non-Financial Entity?

YES - Select ONE of the following:

Active NFE - Active Business (The business/trust is engaged in an active trade or business) other examples: start-up company, liquidating company, charity or not-for-profit

Passive NFE - **go to Part 4 & 5**

Active NFE - Corporation stock of which is regularly traded on one or more established security markets

Active NFE - Any Corporation that is a Related Entity of Corporation stock of which is regularly traded on one or more established security markets

Active NFE - Governmental Entity

Active NFE - International Organization

Active Entity - Central Bank

NOTE - If the Entity Classification(s) provided on this form are not appropriate for your business/trust within FATCA, complete the appropriate IRS Form such as the W-8BENE, W-8IMY OR W-8EXP (available on the IRS website; www.irs.gov). Submit that form in addition to this form. Regardless of the classification of your business/trust with FATCA, this form must be completed to ensure compliance with CRS.

Part 4: Controlling Persons (to be completed by Passive and Investment Entities in Non-Participating Jurisdiction only)

This section must be completed if it was indicated in Part 3 that the entity is a 'Passive NFE' or an 'Investment Entity in a Non-Participating Jurisdiction'. If not, go to Part 5

Provide the information in the table below for **each** Controlling Person.

- All countries in which each Controlling Person is considered a resident for tax purposes. For each country declared, provide the Taxpayer Identification Number (TIN), if applicable.
- If there are more than four (4) Controlling Persons, use a separate sheet (*Sign and date the separate sheet and attach it to this form*).

If the entity is a Formal Trust, list all trustees, settlors, and beneficiaries.

If the entity is not a Formal Trust, list all individuals who own or control directly or indirectly **25% or more** of the entity.

No controlling persons with ownership or controllership of 25% or more of the entity.

See definitions for more information.

Controlling Person 1

Name (Surname, Given Name):

Date of Birth (YYYY-MM-DD): Current Residence Address (including Country):

Complete the following sections, confirming this person's country(ies) of residence for tax purposes.

Generally, an individual will be a TAX RESIDENT of a jurisdiction if, under the laws of that jurisdiction, they pay or should be paying tax there because of their domicile, residence, or a similar criterion.

A. Is this person a tax resident of Canada?

No Yes - provide this person's Social Insurance Number (SIN), if applicable: _____

B. Is this person a tax resident or a citizen of the U.S.?

No Yes - provide this person's Tax Identification Number (including SSN): _____

C. Is this person a tax resident of a country other than Canada or the U.S.?

No Yes, and;

The Controlling Person is required to declare all countries in which they are considered a resident for tax purposes and provide the Taxpayer Identification Number (TIN), if applicable.

Country of Tax Residence:	Taxpayer Identification Number (TIN):

**If additional space is required, please copy this page, sign and include with your package.*

Controlling Person 2

Name (Surname, Given Name):

Date of Birth (YYYY-MM-DD): Current Residence Address (including Country):

Complete the following sections, confirming this person's country(ies) of residence for tax purposes.

Generally, an individual will be a TAX RESIDENT of a jurisdiction if, under the laws of that jurisdiction, they pay or should be paying tax there because of their domicile, residence, or a similar criterion.

A. Is this person a tax resident of Canada?

No Yes - provide this person's Social Insurance Number (SIN), if applicable: _____

B. Is this person a tax resident or a citizen of the U.S.?

No Yes - provide this person's Tax Identification Number (including SSN): _____

C. Is this person a tax resident of a country other than Canada or the U.S.?

No Yes, and;

The Controlling Person is required to declare all countries in which they are considered a resident for tax purposes and provide the Taxpayer Identification Number (TIN), if applicable.

Country of Tax Residence:	Taxpayer Identification Number (TIN):

**If additional space is required, please copy this page, sign and include with your package.*

Controlling Person 3

Name (Surname, Given Name):

Date of Birth (YYYY-MM-DD): Current Residence Address (including Country):

Complete the following sections, confirming this person's country(ies) of residence for tax purposes.

Generally, an individual will be a TAX RESIDENT of a jurisdiction if, under the laws of that jurisdiction, they pay or should be paying tax there because of their domicile, residence, or a similar criterion.

A. Is this person a tax resident of Canada?

No Yes - provide this person's Social Insurance Number (SIN), if applicable: _____

B. Is this person a tax resident or a citizen of the U.S.?

No Yes - provide this person's Tax Identification Number (including SSN): _____

C. Is this person a tax resident of a country other than Canada or the U.S.?

No Yes, and;

The Controlling Person is required to declare all countries in which they are considered a resident for tax purposes and provide the Taxpayer Identification Number (TIN), if applicable.

Country of Tax Residence:	Taxpayer Identification Number (TIN):

**If additional space is required, please copy this page, sign and include with your package.*

Controlling Person 4

Name (Surname, Given Name):

Date of Birth (YYYY-MM-DD): Current Residence Address (including Country):

Complete the following sections, confirming this person's country(ies) of residence for tax purposes.

Generally, an individual will be a TAX RESIDENT of a jurisdiction if, under the laws of that jurisdiction, they pay or should be paying tax there because of their domicile, residence, or a similar criterion.

A. Is this person a tax resident of Canada?

No Yes - provide this person's Social Insurance Number (SIN), if applicable: _____

B. Is this person a tax resident or a citizen of the U.S.?

No Yes - provide this person's Tax Identification Number (including SSN): _____

C. Is this person a tax resident of a country other than Canada or the U.S.?

No Yes, and;

The Controlling Person is required to declare all countries in which they are considered a resident for tax purposes and provide the Taxpayer Identification Number (TIN), if applicable.

Country of Tax Residence:	Taxpayer Identification Number (TIN):

**If additional space is required, please copy this page, sign and include with your package.*

Part 5: Declarations and Signature (**MANDATORY**)

I am the authorized signing officer of this entity and I certify that the information given on this form is correct and complete. I will give TD Canada Trust a new form within 30 days of any change in circumstances that causes the information on this form to become inaccurate or incomplete.

Print Full Name

Signature

Capacity - Title/Position (Print)

Date (YYYY-MM-DD)

Personal information (including the SIN) is collected to administer or enforce the Income Tax Act and related programs and activities including administering tax, benefits, audit, compliance, and collection. The information collected may be used or disclosed for the purposes of other federal acts that provide for the imposition and collection of a tax or duty. It may also be disclosed to other federal, provincial, territorial, or foreign government institutions to the extent authorized by law. Failure to provide this information may result in paying interest or penalties, or in other actions. Under the Privacy Act, individuals have a right of protection, access to and correction of their personal information, or to file a complaint with the Privacy Commissioner of Canada regarding the handling of their personal information. Refer to Personal Information Bank CRA PPU 047 on Information about Programs and Information Holdings at canada.ca/cra-information-about-programs.

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FINAL REVIEW

- ✓ Did you answer all three questions about your business/trust in Part 2?
- ✓ Did you choose one (and only one) Entity Classification in Part 3?
- ✓ Did you confirm the Entity Classification provided accurately reflects the nature of the business?
- ✓ If your business/trust is Passive or an Investment Entity in a Non-Participating Jurisdiction and Managed by another Financial Institution, did you complete Part 4 listing all the Controlling Persons?
- ✓ For every Controlling Person listed in Part 4, did you ensure full name and address was recorded and all other questions answered?
- ✓ Did you sign and date the form in Part 5?
- ✓ Were all TINs provided?
- ✓ Ensure you did not use white out, stickers or stamps.
- ✓ Additional information and link to resources available on <https://www.td.com/incometaxact>

Part 6: FATCA & CRS Definitions

Active non-financial entity

"Active", also referred to as **Active NF(F)E Active**

Non-financial(Foreign) Entity is an entity that is not a financial institution. The entity meets one of the following criteria:

- a) less than 50% of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income
- b) the stock of the entity is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market
- c) the entity is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the above;
- d) substantially all of the activities of the entity consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution. But an Entity does not qualify for this status if the Entity functions (or represent itself) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- e) the entity is a start-up and not yet operating a business and has no prior operating history, but is investing capital into assets with the intention of operating a business other than that of a Financial Institution. This is as long as the entity does not qualify for this exception later than 24 months after the date it was first organized.
- f) the entity is in liquidation and was not a financial institution in the past five years. And it is in the process of liquidating its assets or is reorganizing with the intention of continuing or restarting operations in a business other than the business of a Financial Institution
- g) the entity mainly engages in financing and hedging transactions with, or for, related entities that are not financial institutions. It does not provide financing or hedging services to any Entity that is not a related entity. This is as long as the group of any such related entities is mainly engaged in a business other than the business of a financial institution
- h) the entity is a non-profit entity that meets all of the following requirements:
 - i) it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes. Or it is established and operated in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;

- ii) it does not have to pay income tax in its jurisdiction of residence
- iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets
- iv) The laws of the entity's jurisdiction of residence that apply or the entity's formation documents do not allow any of the entity's income or assets to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than in line with the entity's charitable activities, as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property the entity bought.
- v) The laws of the entity's jurisdiction of residence that apply or the entity's formation documents require that, as soon as the entity is liquidated or dissolved, all of its assets will be distributed to a governmental entity or other non-profit entity, Or, they will be handed over to the government of the entity's jurisdiction of residence or one of its political subdivision.
- i) The entity is organized in a United States territory and all of the owners of the payee are tax residents of that United States territory.

Taxpayer Identification Number, often referred to by its abbreviation TIN, is a unique combination of letters or numbers that a jurisdiction assigns to an individual or entity. The jurisdiction uses the TIN in administering its tax laws to identify the individual or entity. Enter the TIN in its official format. For more details about acceptable TINs, go to <https://web.archive.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>.

If an entity is a tax resident in the U.S. and does not have a TIN from the U.S., it has 90 days to apply for a TIN and 15 days after it is received to give it to the financial institution. If the entity fails to provide its U.S. TIN to the financial institution, the entity is liable to a \$100 penalty.

If the entity is a tax resident in a jurisdiction other than Canada or the U.S. and does not have a TIN from its jurisdiction of residence, it has 90 days to apply for a TIN and 15 days after it is received to give it to the financial institution, unless its jurisdiction of residence does not issue or require the collection of TINs. If the entity is eligible to receive a TIN and fails to provide one to the financial institution, the entity is liable to a \$500 penalty.

Canadian Financial Institution

A Canadian financial institution is an entity that is a financial institution resident in Canada or a foreign entity that is a financial institution with a branch in Canada and that is described in any of the following:

- a) an authorized foreign bank within the meaning of section 2 of the *Bank Act* regarding its business in Canada, or a bank to which that act applies
- b) a cooperative credit society, a savings and credit union, or a caisse populaire regulated by a provincial act
- c) an association regulated by the *Cooperative Credit Associations Act*
- d) a central cooperative credit society, as defined in section 2 of the *Cooperative Credit Associations Act*, or a credit union central or a federation of credit unions or caisses populaires that is regulated by a provincial act other than one enacted by the Government of Quebec
- e) a financial services cooperative regulated by *An Act respecting financial services cooperatives, R.S.Q., c. C-67.3* or by *An Act respecting the Mouvement Desjardins, S.Q. 2000, c. 77*
- f) a life company or a foreign life company that the Insurance Companies Act applies to, or a life insurance company regulated by a provincial act
- g) a company the Trust and Loan Companies Act applies to
- h) a trust company regulated by a provincial act
- i) a loan company regulated by a provincial act
- j) an entity authorized under provincial law to deal in securities or any other financial instruments or to provide portfolio management, investment advice, fund administration, or fund management services
- k) an entity that is presented or promoted to the public as a collective investment vehicle, mutual fund, exchange traded fund, private equity fund, hedge fund, venture capital fund, leveraged buyout fund, or similar investment vehicle that is established to invest or trade in financial assets and is managed by an entity referred to in j) above
- l) an entity that is a clearing house or clearing agency

- m) a department or an agent of the Crown or of a province that accepts deposit liabilities.

Controlling persons of an entity are natural persons who exercise direct or indirect control over the entity. Generally, whether any person exercises control over an entity is determined in a way similar to how beneficial owners are identified for Canada's *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

For example, a person is generally considered to control a corporation if they directly or indirectly own or control at least 25% of the corporation. If no individual is named as controlling the corporation, the senior managing officials such as the Chief Executive Officer of the corporation are considered the corporation's controlling person.

The social insurance number (SIN) of the controlling person is only required to be reported on this form if the controlling person has a SIN and is a non-resident.

In the case of a trust, controlling persons include its settlors, its trustees, its protectors (if any), its beneficiaries (or class of beneficiaries), and any other natural persons with ultimate effective control over the trust.

A discretionary beneficiary is considered a controlling person in the calendar year in which they receive a distribution from the trust. A trust or trustee must disclose the discretionary beneficiary in any given year of a distribution.

A controlling person of an entity may have control indirectly through another entity. If so, to determine the entity's controlling persons, you have to look through the entity's chain of control or ownership to identify and report the natural persons who are the controlling persons of the entity. Financial institutions may apply this requirement in a way similar to how beneficial owners are identified for Canada's *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

In the case where a trust has control over the entity, the controlling person of the entity include all natural persons who control the trust. In the case where a corporation has control over the entity, the controlling persons of the entity include all natural persons who directly or indirectly own or control 25% or more of the corporation.

In the case of a legal arrangement other than a trust, controlling persons are persons in equivalent or similar positions to those described above.

For the purposes of Part XIX of the Income Tax Act, a legal arrangement includes a corporation, a partnership, a trust and a foundation.

Enter the description that best describes the type of controlling person:

- 1) Direct owner
- 2) Indirect owner
- 3) Senior managing official
- 4) Settlor of a trust
- 5) Trustee of a trust
- 6) Protector of a trust
- 7) Beneficiary of a trust
- 8) Other controlling person of a trust
- 9) Equivalent to a settlor of a legal arrangement other than a trust
- 10) Equivalent to a trustee of a legal arrangement other than a trust
- 11) Equivalent to a protector of a legal arrangement other than a trust
- 12) Equivalent to a beneficiary of a legal arrangement other than a trust
- 13) Other controlling person of a legal arrangement other than a trust

CRS (Common Reporting Standard)

The Common Reporting Standard (CRS) is an international standard for the automatic exchange of financial account information between tax administrations to use in fighting tax evasion and to promote voluntary compliance with tax laws.

Entity means person (other than a natural person) or a legal arrangement, such as a corporation, a partnership, a trust, an association, a fund, a joint venture, an organization, a syndicate, and a foundation. Sole proprietorships are considered Individuals and not Entities.

FATCA (Foreign Account Tax Compliance Act)

In March 2010, the U.S. enacted the *Foreign Account Tax Compliance Act* (FATCA). FATCA would require non-U.S. financial institutions to report to the U.S. Internal Revenue Service (IRS) accounts held by U.S. persons.

Under the intergovernmental agreement, relevant information on accounts held by U.S. residents and U.S. citizens (including U.S. citizens who are residents or citizens of Canada) are instead reported to the Canada Revenue Agency (CRA). The CRA then exchanges the information with the IRS through the existing provisions and safeguards of the Canada-U.S. tax treaty

Financial Institution is a custodial institution, a depository institution, an investment entity, or a specified insurance company.

Global Intermediary Identification Number (GIIN) is a unique identifier the Internal Revenue Service of the United States issues to financial institutions.

Investment Entity

There are two types of entities that can be considered an investment entity:

- a) an entity that mainly carries on the business of one or more of the following activities or operations for a customer:
 - i) trading in money market instruments (such as cheques, bills, certificates of deposit, and derivatives); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading
 - ii) individual and collective portfolio management
 - iii) investing in, administering, or managing financial assets or money for other persons; or
- b) an entity the gross income of which is mainly from investing, reinvesting, or trading in financial assets if it is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity described in a) above.

Passive income

Passive income generally includes income from the mere holding of property, such as:

- dividends
- interest
- income equivalent to interest
- rents and royalties, other than rents and royalties derived from operating a business, which is at least partly operated by employees of a non-financial entity
- annuities
- the excess of gains over losses from the sale or exchange of financial assets that gives rise to the passive income described above
- the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any financial assets
- the excess of foreign currency gains over foreign currency losses
- net income from swaps
- amounts received under cash value insurance contracts.

Passive non-financial entity

A passive non-financial entity is an entity that is:

- a) not a financial institution, nor an active non-financial entity
- b) an investment entity described in paragraph b) of the definition of investment entity, which resides in a non-participating jurisdiction.

Related Entity

An entity is considered to be related if one entity controls the other or if the two entities are under control (the "related entity group"). Control means direct or indirect ownership of:

- a) in the case of a corporation shares of the capital stock of a corporation that (i) give their holders, more than 50% of the votes that could be cast at the annual meeting of the shareholders of the corporation, and (ii) have a fair market value of more than 50% of the fair market value of all the issued and outstanding shares of the capital stock of the corporation;
- b) in the case of a partnership, interest as a member in the partnership that

entitles the member to 50% or more of the income or loss of the partnership, or of the assets (after deducting any liabilities) if the partnership were to stop existing

- c) in the case of a trust, an interest as a beneficiary with a fair market value that is at least 50% of the fair market value of all interests as a beneficiary in the trust.

In the case of two entities that are investment entities described in paragraph b) of the definition of investment entity, the two entities are considered related entities if they are under common management and such management has to meet the due diligence obligations of the investment entities.

Strata/Condominium Corporations

Financial accounts held by a strata/condominium corporation do not have to be reported, as long as:

- a) the entity is exempt from tax under section 149 of the Income Tax Act
- b) the account is only for the costs of a condominium or housing co-operative
- c) the amounts in the account may only be used to pay for the expenses of the condominium or housing co-operative
- d) each year, no one owner can contribute more than US\$50,000 or more than 20% of the annual contributions due in the year.

Specified Insurance Company means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

Tax Resident

An Entity will be a tax resident of a jurisdiction if, under the laws of that jurisdiction, it pays or should be paying income tax there because of its domicile, residence, place of management or incorporation, or a similar criterion. For this form:

- a) a partnership, a limited partnership, or a similar legal arrangement is considered to reside in the jurisdiction where its place of management is located
- b) a trust is considered to reside in the jurisdiction where its place of management and control is located
- c) an entity that is a "United States person" is a tax resident of the United States.

An entity that is a tax resident in more than one jurisdiction can rely on the tie-breaker rules in a tax convention (when they apply) to resolve a case of dual tax residence. For more information on tax residency, talk to a tax adviser or go to oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/#d.en.347760. Otherwise, an entity should enter all of the jurisdictions where they are a tax resident and provide their taxpayer identification number (TIN) for each jurisdiction.

United States person

A United States (U.S.) person is any of the following:

- a) a U.S. citizen or an individual who resides in the United States
- b) a partnership or corporation organized in the United States or under the laws of the United States or any State thereof
- c) a trust, if
 - I. a court in the United States would have the authority under applicable law to deliver orders or judgments about substantially all issues regarding the administration of the trust, and
 - II. one or more U.S. persons have the authority to control all the trust's major decisions.
- d) the estate of a person that is a citizen or resident of the United States

Specified U.S. Person

A specified United States (U.S.) person is a U.S. person, other than any of the following:

- a) a corporation the stock of which is regularly traded on one or more established securities markets
- b) a corporation that is a member of the same expanded affiliated group, as defined in section 1471(e)(2) of the U.S. *Internal Revenue Code* as a corporation described in a) above

- c) the United States or any wholly owned agency or instrumentality of the United States
- d) a state of the United States, a U.S. territory, a political subdivision of any of the foregoing, or a wholly owned agency or instrumentality of any one or more of these
- e) an organization that does not have to pay tax under section 501(a) of the U.S. *Internal Revenue Code* or an individual retirement plan as defined in section 7701(a)(37) of the U.S. *Internal Revenue Code*
- f) a bank as defined in section 581 of the U.S. *Internal Revenue Code*
- g) a real estate investment trust as defined in section 856 of the U.S. *Internal Revenue Code*
- h) a regulated investment company as defined in section 851 of the U.S. *Internal Revenue Code* or an entity registered with the U.S. Securities and Exchange Commission under the U.S. *Investment Company Act of 1940*
- i) a common trust fund as defined in section 584(a) of the U.S. *Internal Revenue Code*
- j) a trust that does not have to pay tax under section 664(c) of the U.S. *Internal Revenue Code* or that is described in section 4947(a)(1) of the U.S. *Internal Revenue Code*
- k) a dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or one of its states
- l) a broker as defined in section 6045(c) of the U.S. *Internal Revenue Code*
- m) a tax-exempt trust under a plan that is described in section 403(b) or section 457(b) of the U.S. *Internal Revenue Code*