

ATTACHMENT

Note: The following proposed resolution would be satisfactory to the New York State Insurance Department.

RESOLUTION TO BE PASSED BY CHARITABLE ANNUITY SOCIETIES RELATING TO THE APPLICATION FOR A SPECIAL PERMIT AND THE SEGREGATION OF ANNUITY RESERVE FUNDS

WHEREAS, Article 11, Section 1110 of the Insurance Law of New York State, passed July 1984 and known as Chapter 367 of the Laws of 1984, provides, among other things in respect to the exemption of Charitable Annuity Societies from certain provisions of the Insurance Law of the State of New York, that every duly organized domestic or foreign non-stock corporation or association conducted without profit engaged solely in bona fide charitable, religious, missionary, educational or philanthropic activities and which has been in active operation for at least ten years prior to the application for a permit hereinafter mentioned, and which issues gift annuity agreements, shall segregate from its assets as separate and distinct funds, independent from all other funds of such corporation or association, an amount at least equal to the reserves and surplus as required therein on all gift annuity agreements, and shall not apply said assets for the payment of the debts and obligations of the corporation or association or for any purpose other than the annuity benefits therein specified, and,

WHEREAS this Section 1110 provides for the issuance of a special permit by the Superintendent of Insurance of the State of New York for the purposes therein mentioned.

NOW, THEREFORE, be it RESOLVED that in order to meet the aforesaid requirements of the law and for the purpose of obtaining a special permit from the Superintendent of Insurance of the State of New York to issue gift annuity agreements in New York there shall be set aside and maintained assets of The Regents of the University of California as a separate and distinct fund independent of all other funds of The Regents in an amount at least equal to the reserves and surplus of ten percent of such reserves on all The Regents outstanding gift annuity agreements required by subsection (b) of Section 1110 of the New York Insurance Law, which shall be invested in accordance with the provisions of subsection (b) of Section 1110 of the New York Insurance Law and which segregated funds shall not be applied for the payment of debts and obligations of The Regents or for any purpose other than the annuity benefits herein referred to and which fund shall be known as The Regents of the University of California Gift Annuity Fund.

Any assets heretofore segregated and held as separate funds on account of annuity benefits shall be merged with the aforesaid segregated assets to the extent required in order to comply with the provisions of said Section 1110.