

**STATE OF HAWAII  
INSURANCE DIVISION**

**2011 ANNUAL FILING REQUIREMENTS  
(Due in 2012)**

**For ALL LICENSED Fraternal Benefit Society Insurers in Hawaii**

**The following forms must be downloaded --- hard copies are no longer mailed.**

	<b>Document Description</b>	<b>Form #</b>	<b>Paper Size</b>	<b># of Page(s)</b>
1.	Annual Filing Requirements - Fraternal Benefit Society Insurers	N/A	Letter	11
2.	Hawaii Investments	322	Legal	2

**The forms are available on the same website as the Annual Filing Requirements:**

**[www.hawaii.gov/dcca/ins/insurers](http://www.hawaii.gov/dcca/ins/insurers)**

If you have any questions regarding the required filings, refer to NOTE A for the proper contact person.

**FRATERNAL SOCIETIES  
(LICENSED IN HAWAII)**

COMPANY NAME: \_\_\_\_\_ NAIC Company Code: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_

REQUIRED FILINGS IN THE STATE OF: HAWAII Filings Made During the Year 2012

(1) Check-list	(2) Line #	(3) REQUIRED FILINGS FOR THE ABOVE STATE	(4) NUMBER OF COPIES*			(5) DUE DATE(S)	(6) FORM SOURCE**	(7) APPLICABLE NOTES (A-K apply to all filings)
			Domestic		Foreign			
			State	NAIC	State			
		<b>I. NAIC FINANCIAL STATEMENTS</b>						
	1	Annual Statement (8 1/2"x14")	2	EO	1	3/1	NAIC	
	1.1	Printed Investment Schedule detail (Pages E01-E27)	2	EO	xxx	3/1	NAIC	
	2	Quarterly Financial Statement (8 1/2" x 14") Include the Printed Investment Schedule detail (Pages QE01-QE12)	2	EO	xxx	5/15, 8/15, 11/15	NAIC	
	3	Separate Accounts Annual Statement (8 1/2"x 14")	2	EO	xxx	3/1	NAIC	
		<b>II. NAIC SUPPLEMENTS</b>						
	10	Accident & Health Policy Experience Exhibit	2	EO	xxx	4/1	NAIC	
	11	Actuarial Certification Related Annuity Nonforfeiture Ongoing Compliance for Equity Indexed Annuities	2	EO	xxx	3/1	Company	
	12	Actuarial Certification Related to Hedging required by Actuarial Guideline XLIII	2	EO	xxx	3/1	Company	
	13	Actuarial Certification Related to Reserves required by Actuarial Guideline XLIII	2	EO	xxx	3/1	Company	
	14	Actuarial Certification regarding use 2001 Preferred Class Table	2	EO	xxx	3/1	Company	NOTE N
	15	Actuarial Opinion	2	EO	1	3/1	Company	
	16	Actuarial Opinion on X-Factors	2	EO	xxx	3/1	Company	
	17	Actuarial Opinion on Separate Accounts Funding Guaranteed Minimum Benefit	2	EO	xxx	3/1	Company	
	18	Actuarial Opinion on Synthetic Guaranteed Investment Contracts	2	EO	xxx	3/1	Company	
	19	Actuarial Opinion required by Modified Guaranteed Annuity Model Regulation	2	EO	xxx	3/1	Company	
	20	Analysis of Annuity Operations by Lines of Business	2	EO	xxx	4/1	NAIC	
	21	Analysis of Increase in Annuity Reserves During Year	2	EO	xxx	4/1	NAIC	
	22	Financial Officer Certification Related to Clearly Defined Hedging Strategy required by Actuarial Guideline XLIII	2	EO	xxx	3/1	Company	
	23	Health Care Exhibit (Parts 1, 2 and 3) Supplement	2	EO	xxx	4/1	NAIC	
	24	Health Care Exhibit's Allocation Report Supplement	2	EO	xxx	4/1	NAIC	
	25	Interest Sensitive Life Insurance Products Report	2	EO	xxx	4/1	NAIC	

**DOCUMENTS SUBMITTED TO THE HAWAII INSURANCE DIVISION WHICH ARE NOT REQUIRED TO BE FILED (NOT ON OUR LIST) WILL BE DESTROYED WITHOUT REVIEW.**

**FRATERNAL SOCIETIES  
(LICENSED IN HAWAII)**

COMPANY NAME: \_\_\_\_\_ NAIC Company Code: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_

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			Domestic		Foreign			
			State	NAIC	State			
		<b>II. NAIC SUPPLEMENTS (Continued)</b>						
	26	Investment Risk Interrogatories	2	EO	xxx	4/1	NAIC	
	27	Long-Term Care Experience Reporting Forms	2	EO	xxx	4/1	NAIC	
	28	Management Certification that the Valuation Reflects Management's Intent required by Actuarial Guideline XLIII	2	EO	xxx	3/1	Company	
	29	Management Discussion & Analysis	2	EO	xxx	4/1	Company	
	30	Medicare Supplement Insurance Experience Exhibit	2	EO	xxx	3/1	NAIC	
	31	Medicare Part D Coverage Supplement	2	EO	xxx	3/1, 5/15, 8/15, 11/15	NAIC	
	32	Reasonableness of Assumptions Certification required by Actuarial Guideline XXXV	2	EO	xxx	3/1, 5/15, 8/15, 11/15	Company	
	33	Reasonableness & Consistency of Assumptions Certification required by Actuarial Guideline XXXV	2	EO	xxx	3/1, 5/15, 8/15, 11/15	Company	
	34	Reasonableness of Assumptions Certification for Implied Guaranteed Rate Method required by Actuarial Guideline XXXVI	2	EO	xxx	3/1, 5/15, 8/15, 11/15	Company	
	35	Reasonableness & Consistency of Assumptions Certification required by Actuarial Guideline XXXVI (Updated Average Market Value)	2	EO	xxx	3/1, 5/15, 8/15, 11/15	Company	
	36	Reasonableness & Consistency of Assumptions Certification required by Actuarial Guideline XXXVI (Updated Market Value)	2	EO	xxx	3/1, 5/15, 8/15, 11/15	Company	
	37	Risk-Based Capital Report	2	EO	xxx	3/1	NAIC	
	38	RBC Certification required under C-3 Phase I	2	EO	xxx	3/1	Company	
	39	RBC Certification required under C-3 Phase II	2	EO	xxx	3/1	Company	
	40	Statement on non-guaranteed elements – Exhibit 5 Inter. #3	2	EO	1	3/1	Company	

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			Domestic		Foreign			
			State	NAIC	State			
		<b>II. NAIC SUPPLEMENTS (Continued)</b>						
	41	Statement on participating/non-participating policies – Exhibit 5, Inter. #1&2	2	EO	xxx	3/1	Company	
	42	Supplemental Compensation Exhibit	N/A	N/A	N/A	N/A	NAIC	
	43	Trusted Surplus Statement	2	EO	xxx	3/1, 5/15, 8/15, 11/15	NAIC	
		<b>III. ELECTRONIC FILING REQUIREMENTS</b>						
	50	Annual Statement Electronic Filing	xxx	1	xxx	3/1	NAIC	#50 - #60, PLEASE REFER TO NOTE O
	51	March .PDF Filing	xxx	1	xxx	3/1	NAIC	
	52	Risk-Based Capital Electronic Filing	xxx	1	xxx	3/1	NAIC	
	53	Risk-Based Capital .PDF Filing	xxx	1	xxx	3/1	NAIC	
	54	Separate Accounts Electronic Filing	xxx	1	xxx	3/1	NAIC	
	55	Separate Accounts .PDF Filing	xxx	1	xxx	3/1	NAIC	
	56	Supplemental Electronic Filing	xxx	1	xxx	4/1	NAIC	#52 and #53, SEE NOTE N
	57	Supplemental .PDF Filing	xxx	1	xxx	4/1	NAIC	
	58	Quarterly Statement Electronic Filing	xxx	1	xxx	5/15, 8/15, & 11/15	NAIC	
	59	Quarterly .PDF Filing	xxx	1	xxx	5/15, 8/15, & 11/15	NAIC	
	60	June .PDF Filing	xxx	1	xxx	6/1	NAIC	
		<b>IV. AUDIT/INTERNAL CONTROL RELATED REPORTS</b>						
	71	Accountants Letter of Qualifications	2	EO	N/A	6/1	Company	
	72	Audited Financial Reports	2	EO	N/A	6/1	Company	
	73	Audited Financial Reports Exemption Affidavit	N/A	N/A	N/A	N/A	Company	
	74	Communication of Internal Control Related Matters Noted in Audit	2	N/A	N/A	8/1	Company	NOTE U
	75	Independent CPA – Annual Notification of Accountant/Accounting Firm [Notification to the Commissioner in writing the name and address of the person or firm retained to conduct the annual audit.]	1	N/A	N/A	Prior to the commencement of the audit.	Company	NOTE S
	76	Management’s Report of Internal Control Over Financial Reporting	2	N/A	N/A	8/1	Company	
	77	Notification of Adverse Financial Condition	1	N/A	N/A	When applicable	Company	
	78	Request for Exemption to File	N/A	N/A	N/A	N/A	Company	
	79	Relief from the five-year rotation requirement for lead audit partner	1	EO	N/A	3/1	Company	NOTE N
	80	Relief from the one-year cooling off period for independent CPA	1	EO	N/A	3/1	Company	NOTE N
	81	Relief from the Requirements for Audit Committees	1	EO	N/A	3/1	Company	NOTE N

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 Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_  
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			Domestic		Foreign			
			State	NAIC	State			
		<b>V. STATE REQUIRED FILINGS</b>						
	101	Certificate of Compliance	N/A	0	N/A	N/A		Not required, see Note Q
	102	Certificate of Deposit	N/A	0	N/A	N/A		Not required, see Note Q
	103	Certificate of Valuation	0	0	1	3/1		Prepared by State of Domicile, see Note Q
	104	Filings Checklist (with Column 1 completed)	1	0	1	3/1	State	
	105	Premium Tax	N/A	0	N/A	N/A	State	
	106	State Filing Fees	1	0	1	3/1	State	Note C and Line #108
	107	Signed Jurat – See Notes G and L	0	0	0	N/A	NAIC	Notes G and L
	108	Annual Statement Filing Fee - \$7.50	1	0	1	3/1	Company	NOTE A for Contact Person and Note C & F
	109	Compliance Resolution Fund Assessment – Assessment Notice will be sent to insurers	1	0	1	Due 60 days after demand	State	NOTE A for Contact Person & Phone Number
	110	Hawaii Investments (Form 322) <b><u>NOTE: This is a REQUIRED FILING FOR ALL LICENSED INSURERS. If the Company does not have any investments in Hawaii, file the form as NONE.</u></b>	1	0	1	3/1	State	NOTE A for Contact Person & Phone Number
	111	Request for Extension of License (by letter) [License Renewal Fee - \$7.50]	1	0	1	5/1	Company	NOTE A for Contact Person and Notes F & P
	112	Officers & Directors: Biographical Affidavits and Notification of Change (Only if Required)	1	0	See Note	When Applicable	NAIC	NOTE A for Contact Person & Phone Number and Note T

\*If XXX appears in this column, this state does not require this filing, if hard copy is filed with the state of domicile and if the data is filed electronically with the NAIC. If N/A appears in this column, the filing is required with the domiciliary state. EO (electronic only filing).

\*\*If Form Source is NAIC, the form should be obtained from the appropriate vendor.

**DOCUMENTS SUBMITTED TO THE HAWAII INSURANCE DIVISION WHICH ARE NOT REQUIRED TO BE FILED (NOT ON OUR LIST) WILL BE DESTROYED WITHOUT REVIEW.**

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)		[FRATERNAL SOCIETIES]
A	<p>Required Filings Contact Person:</p> <p><b>Phone inquiries should be directed to the proper contact person.</b></p>	<p><b>LINE # CONTACT PERSON/BRANCH</b></p> <p><b>#108 Annual Statement FILING FEE</b>  Examination Branch: (808) 586-3870  E-Mail: <a href="mailto:sbautista@dcca.hawaii.gov">sbautista@dcca.hawaii.gov</a></p> <p><b>#109 Compliance Resolution Fund Assessment</b>  Jerry Bump: (808) 586-0985  E-Mail: <a href="mailto:jbump@dcca.hawaii.gov">jbump@dcca.hawaii.gov</a></p> <p><b>#110 Hawaii Investments – Form 322</b>  John Pang: (808) 586-7379  E-Mail: <a href="mailto:jpang@dcca.hawaii.gov">jpang@dcca.hawaii.gov</a></p> <p><b>#111 Request for EXTENSION of LICENSE</b>  Examination Branch: (808) 586-3870  E-Mail: <a href="mailto:sbautista@dcca.hawaii.gov">sbautista@dcca.hawaii.gov</a></p> <p><b>#112 Officers &amp; Directors: Biographical Affidavits and Notification of Change</b>  Examination Branch: (808) 586-3870  E-Mail: <a href="mailto:sbautista@dcca.hawaii.gov">sbautista@dcca.hawaii.gov</a></p> <p><b>ANNUAL STATEMENT AND ALL OTHER FILINGS EXCEPT THOSE LISTED ABOVE</b></p> <p>Frances Lo: (808) 586-3870  Fax: (808) 586-3873  E-Mail: <a href="mailto:flo@dcca.hawaii.gov">flo@dcca.hawaii.gov</a></p>
B	<p>Mailing Address:</p> <p><b>NOTE: UPDATE STREET ADDRESS FROM 2<sup>ND</sup> FLOOR TO <u>ROOM 213</u></b></p>	<p>ATTN: SUSAN HANSEN  P. O. Box 3614  Honolulu, HI 96811-3614</p> <p style="text-align: right;"><u>OR</u></p> <p>ATTN: SUSAN HANSEN  335 Merchant Street, Room 213  Honolulu, HI 96813</p>
C	<p>Mailing Address for Filing Fees:</p>	<p>Same as Note B.</p> <p>The Annual Statement Filing Fee (Line #108) of \$7.50 is due March 1.</p>
D	<p>Mailing Address for Premium Tax Payments:</p>	<p>N/A for Fraternal Benefit Societies.</p>
E	<p>Delivery Instructions:</p>	<p>All filings must be RECEIVED no later than the indicated due date. If the due date falls on a weekend or holiday, then the deadline is extended to the next business day.</p> <p>Documents and payments required are not deemed to have been filed or paid until they have actually been received by this division.</p>

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)		[FRATERNAL SOCIETIES]
F	Late Filings:	<p>A society neglecting to file the Annual Statement within the time provided by Hawaii Revised Statutes (HRS) § 432:2-602 <u>shall be liable for a penalty of \$100 for each day</u> during which such neglect continues, and, upon notice by the Commissioner to that effect, its authority to do business in this State shall cease while such default continues.</p> <p>Failure to meet license renewal deadline shall result in a 50% penalty assessment [per HRS § 432:2-603(b)].</p>
G	Original Signatures:	<p><b><u>Domestic Insurers:</u></b> The Annual and Quarterly Statement Jurat pages shall include signatures of at least two of the insurer's principal officers. Original signatures must be manually signed by the appropriate corporate officers and be properly notarized.</p> <p style="text-align: center;">* * * * *</p> <p><b><u>Foreign/Alien Insurers:</u></b> The Annual Statement Jurat page shall include signatures of at least two of the insurer's principal officers, or the attorney-in-fact in the case of a reciprocal insurer, or the United States manager in the case of an alien insurer. Facsimile signatures or reproductions of original signatures may be used (per the NAIC <i>Annual Statement Instructions</i>).</p>
H	Signature/Notarization/Certification:	See NOTE G above.
I	Amended Filings:	Amended items must be accompanied by an explanation of the amendments. If there are signature requirements for the original filing, the same should be followed for any amendment.
J	Exceptions from normal filings:	No extension for filing the Annual Statement and valuation of your outstanding certificates or certificate of such valuation, if verified by the actuary of the department of insurance of your domiciliary state, will be granted unless a request is submitted in writing, with detailed reasons for the delay, well in advance of March 1. Section 432:2-602(b), Hawaii Revised Statutes, provides that the Commissioner may extend the time for filing the valuation of your outstanding certificates for not more than two calendar months.
K	Bar Codes (State or NAIC):	N/A for all Hawaii filings.
L	Signed Jurat:	See NOTE G for Jurat Page requirements.
M	NONE Filings:	See NAIC <i>Annual Statement Instructions</i> .

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)		[FRATERNAL SOCIETIES]
N	Filings new, discontinued or modified materially since last year:	<p><b><u>DOMESTIC INSURERS:</u></b></p> <p><b><u>New Filings:</u></b></p> <ol style="list-style-type: none"> <li>1. Actuarial Certification regarding use 2001 Preferred Class Table (Line #14)</li> <li>2. Risk-Based Capital Electronic Filing (Line #52)</li> <li>3. Risk-Based Capital .PDF Filing (Line #53)</li> <li>4. Relief from the five-year rotation requirement for lead audit partner (Line #79)</li> <li>5. Relief from the one-year cooling off period for independent CPA (Line #80)</li> <li>6. Relief from the Requirements for Audit Committees (Line #81)</li> </ol> <p><b><u>FOREIGN/ALIEN INSURERS:</u></b> There are no new, discontinued or modified filings since last year.</p>
O	Electronic Filing:	<p><b><u>Domestic Insurers:</u></b> Electronic filing with the NAIC includes filing via the Internet or filing via diskette. Companies that file with the NAIC via the Internet are not required to submit diskettes to the NAIC. Please review <i>General Instructions for Companies to Use Checklist</i>.</p> <p style="text-align: center;">*****</p> <p><b><u>Foreign/Alien and Domestic Insurers:</u></b> N/A for electronic filing with Hawaii.</p>
P	Certificate of Authority:	<p>License Renewal Fee of \$7.50 (Line #111) is due May 1 (Request for Extension of License – by letter).</p> <p><b>QUESTIONS – CONTACT THE EXAMINATION BRANCH AT (808) 586-3870. E-Mail: <a href="mailto:sbautista@dcca.hawaii.gov">sbautista@dcca.hawaii.gov</a></b></p>
Q	Certificate of Valuation:  (Note: Certificate of Compliance and Certificate of Deposit are not required)	<p>Due March 1 unless unavailable from State of Domicile until a later date. Photostats of these documents will be accepted if certified by the proper public official of your state that the reproduced document is a true, full and complete copy of the original issued.</p>
R	Checks/payments:	<p><b><u>Checks should be made payable to:</u></b></p> <p style="text-align: center;">“DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, STATE OF HAWAII”</p> <p style="text-align: center;">or</p> <p style="text-align: center;">“DCCA, STATE OF HAWAII”</p> <p>unless otherwise noted on the form. A service charge of \$25 will be assessed for each dishonored check. Your cancelled check is your receipt; an official receipt will be issued only upon written request. Please provide a self-addressed, stamped envelope for receipt.</p>

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)		[FRATERNAL SOCIETIES]
S	Independent CPA	<p>Required when a change in independent CPA occurs.</p> <p>Letter stating that the independent CPA is aware of the provisions of the insurance statutes and rules that relate to accounting and financial matters of this State in accordance with whose regulation the audited financial report is made and affirming that the independent CPA will express an opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by this State's Insurance Division, specifying such exceptions the independent CPA may believe appropriate. (See Line #75)</p>
T	Officers & Directors: Biographical Affidavits and Notification of Change (Only if Required)	<p><b><u>FOREIGN/ALIEN FRATERNAL BENEFIT SOCIETIES:</u></b> Biographical Affidavits for officers and directors are required to be filed <b><u>ONLY</u></b> in the following situations:</p> <ol style="list-style-type: none"> <li>a. <b><u>Initial</u></b> application for a Hawaii Certificate of Authority – See UCAA Expansion procedures.</li> <li>b. Redomestications to Hawaii – See UCAA Primary procedures.</li> <li>c. Upon request.</li> </ol> <p>We <b>DO NOT</b> require Biographical Affidavits or Notifications if the only change involves officers and/or directors.</p> <p><b><u>DOMESTIC FRATERNAL BENEFIT SOCIETIES:</u></b> Biographical Affidavits and Notifications are required for changes in officers and directors.</p> <p>QUESTIONS – CONTACT THE EXAMINATION BRANCH AT (808) 586-3870. E-Mail: <a href="mailto:sbautista@dcca.hawaii.gov">sbautista@dcca.hawaii.gov</a></p>
U	Communication of Internal Control Related Matters Noted in Audit	Line #74-HAR Section 16-185-110 requires this written communication whether or not material weaknesses were noted by the auditor within 60 days of filing the audited financial report.
V	Websites:	<p>Please visit the following websites for additional information:</p> <p><a href="http://www.naic.org/industry_filing_state_instructions.htm">www.naic.org/industry_filing_state_instructions.htm</a></p> <p><a href="http://www.hawaii.gov/dcca/ins/insurers">www.hawaii.gov/dcca/ins/insurers</a></p>

**STATE OF HAWAII**  
**Fraternal Societies - General Instructions**  
**For Companies to Use Checklist**

**Please Note:** This state's instructions for companies to file with the NAIC are included in this Checklist. The NAIC will not be sending their own checklist this year.

**Electronic filing is intended to include filing via the Internet or filing via diskette with the NAIC. Companies that file with the NAIC via the Internet are not required to submit diskettes to the NAIC. Companies are not required to file hard copy filings with the NAIC.**

**Column (1) (Checklist)**

Companies should copy the checklist and place an "x" in this column when mailing information to the state.

**Column (2) (Line #)**

Line # refers to a standard filing number used for easy reference. This line number may change from year to year.

**Column (3) (Required Filings)**

Name of item or form to be filed.

The *Annual Statement Electronic Filing* includes the annual statement data and all supplements due March 1, per the *Annual Statement Instructions*. This includes all detail investment schedules and other supplements for which the *Annual Statement Instructions* exempt printed detail.

The *March .PDF Filing* is the .pdf file for annual statement data, detail for investment schedules, and supplements due March 1.

The *Risk-Based Capital Electronic Filing* includes all risk-based capital data.

The *Risk-Based Capital .PDF Filing* is the .pdf file for risk-based capital data.

The *Separate Accounts Electronic Filing* includes the separate accounts annual statement and investment schedule detail.

The *Separate Accounts .PDF Filing* is the .pdf file for the separate accounts annual statement and investment schedule detail.

The *Supplemental Electronic Filing* includes all supplements due April 1, per the *Annual Statement Instructions*.

The *Supplemental .PDF Filing* is the .pdf file for all supplements due April 1.

The *Quarterly Electronic Filing* includes the quarterly statement data.

The *Quarterly .PDF Filing* is the .pdf file for quarterly statement data.

The *June .PDF Filing* is the .pdf file for the Audited Financial Statements and Accountants Letter of Qualifications.

**Column (4) (Number of Copies)**

Indicates the number of copies that each foreign or domestic company is required to file for each type of form. The Blanks (E) Task Force modified the 1999 *Annual Statement Instructions* to waive paper filings of certain NAIC supplements and certain investment schedule detail, if such investment schedule data is available to the states via the NAIC database. The checklists reflect this action taken by the Blanks (E) Task Force. XXX appears in the "Number of Copies" "Foreign" column for the appropriate schedules and exhibits. **Hawaii waives printed quarterly statements from the foreign insurers and relies upon the NAIC database for these filings. This waiver also includes all of the supplemental annual statement filings (with the exception of the Actuarial Opinion). The XXX in this column signifies that Hawaii has waived the paper filing of the quarterly statements and all but one supplement.**

**Column (5) (Due Date)**

Indicates the date on which the company must file the form.

**Column (6) (Form Source)**

This column contains one of three words: “NAIC,” “State,” or “Company.” If this column contains “NAIC,” the company must obtain the forms from the appropriate vendor. If this column contains “State,” the state will provide the forms either with the filing instructions (generally, on its website) OR will be mailed to the insurer at a later date. If this column contains “Company,” the company, or its representative (e.g., its CPA firm), is expected to provide the form based upon the appropriate state instructions or the *NAIC Annual Statement Instructions*.

**Column (7) (Applicable Notes)**

This column contains references to the Notes to the Instructions that apply to each item listed on the checklist. The company should carefully read these notes before submitting a filing. **Also, phone inquiries should be directed to the proper contact person (SEE NOTE A).**