

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
Filing Company: New York Life Insurance and Annuity Corporation State Tracking Number: 42126  
Company Tracking Number: 22838  
TOI: L06I Individual Life - Variable Sub-TOI: L06I.002 Single Life - Flexible Premium  
Product Name: 2009 Updates- Core Premium Allocation Form  
Project Name/Number: 2009 Updates- Core Premium Allocation Form/22838

## Filing at a Glance

Company: New York Life Insurance and Annuity Corporation

Product Name: 2009 Updates- Core Premium SERFF Tr Num: NYLC-126116366 State: Arkansas

Allocation Form

TOI: L06I Individual Life - Variable

SERFF Status: Closed-Approved-  
Closed State Tr Num: 42126

Sub-TOI: L06I.002 Single Life - Flexible  
Premium

Co Tr Num: 22838

State Status: Approved-Closed

Filing Type: Form

Reviewer(s): Linda Bird

Authors: Team Leader, Sean  
Hebron

Disposition Date: 04/22/2009

Date Submitted: 04/17/2009

Disposition Status: Approved-  
Closed

Implementation Date Requested: On Approval

Implementation Date:

State Filing Description:

## General Information

Project Name: 2009 Updates- Core Premium Allocation Form

Project Number: 22838

Requested Filing Mode: Review & Approval

Explanation for Combination/Other:

Submission Type: New Submission

Overall Rate Impact:

Filing Status Changed: 04/22/2009

Deemer Date:

Submitted By: Sean Hebron

Filing Description:

RE: New York Life Insurance and Annuity Corporation

New Premium Allocation Form 22838

NAIC #: 82691596

Status of Filing in Domicile:

Date Approved in Domicile:

Domicile Status Comments:

Market Type: Individual

Group Market Size:

Group Market Type:

Explanation for Other Group Market Type:

State Status Changed: 04/22/2009

Created By: Sean Hebron

Corresponding Filing Tracking Number:

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
Filing Company: New York Life Insurance and Annuity Corporation State Tracking Number: 42126  
Company Tracking Number: 22838  
TOI: L06I Individual Life - Variable Sub-TOI: L06I.002 Single Life - Flexible Premium  
Product Name: 2009 Updates- Core Premium Allocation Form  
Project Name/Number: 2009 Updates- Core Premium Allocation Form/22838

Dear Commissioner:

We are enclosing for your information revised Premium Allocation Form 22838. This form is intended for use in applying for our Variable Universal Life Insurance family of products. The revised form replaces form 22090 (5/06), which was approved by your Department on 5/8/2006.

The enclosed form is intended for use as a supplement to our current Part I Application, form 204-500.03, which was approved by your Department on 1/24/2004.

The following provides an outline of the revisions made to this form:

- Format changes. The former two-column format has been replaced by a one-column format.
- Textual revisions, including:
  - deletion of references to products no longer offered for sale
  - addition of new products
  - addition of new dollar cost averaging extra investment option
  - revisions to fund names

A list of the products with which this form will be used is attached for your reference.

We look forward to receiving your Department's approval of the enclosed forms at your earliest convenience. If you have any questions regarding this submission, please call me at the following toll free number: 1-877-464-0198.

Sincerely,

Linda E. LoPinto  
Corporate Vice President  
Individual Life Department  
Encl.

EXHIBIT I

Premium Allocation Form 22838, edition dated 5/09 will be used with applications for the following policy forms:

Policy Title Form Number Approval Date

Accumulator VUL 308-30 12/28/2007

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
 Filing Company: New York Life Insurance and Annuity Corporation State Tracking Number: 42126  
 Company Tracking Number: 22838  
 TOI: L061 Individual Life - Variable Sub-TOI: L061.002 Single Life - Flexible Premium  
 Product Name: 2009 Updates- Core Premium Allocation Form  
 Project Name/Number: 2009 Updates- Core Premium Allocation Form/22838

Accumulator VUL-ACSV 308-31 12/28/2007

Accumulator SVUL 308-150 12/28/2007

Accumulator SVUL-ACSV 308-151 12/28/2007

Legacy Creator SPVUL 308-95 2/25/2009

## Company and Contact

### Filing Contact Information

Sean Hebron, Senior Contract Assistant Sean\_Hebron@nyl.com  
 51 Madison Avenue 212-576-2681 [Phone]  
 Room 606 212-447-4141 [FAX]  
 New York, NY 10010

### Filing Company Information

New York Life Insurance and Annuity Corporation CoCode: 91596 State of Domicile: Delaware  
 51 Madison Ave Group Code: 826 Company Type: Life  
 New York, NY 10010 Group Name: NYLIC State ID Number:  
 (212) 576-4809 ext. [Phone] FEIN Number: 13-3044743

## Filing Fees

Fee Required? Yes  
 Fee Amount: \$50.00  
 Retaliatory? Yes  
 Fee Explanation: \$50.00 per form X 1 form = \$50.00  
 Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
New York Life Insurance and Annuity Corporation	\$50.00	04/17/2009	27250067

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
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Company Tracking Number: 22838  
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Product Name: 2009 Updates- Core Premium Allocation Form  
Project Name/Number: 2009 Updates- Core Premium Allocation Form/22838

## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved- Closed	Linda Bird	04/22/2009	04/22/2009

*SERFF Tracking Number:* NYLC-126116366      *State:* Arkansas  
*Filing Company:* New York Life Insurance and Annuity      *State Tracking Number:* 42126  
Corporation  
*Company Tracking Number:* 22838  
*TOI:* L06I Individual Life - Variable      *Sub-TOI:* L06I.002 Single Life - Flexible Premium  
*Product Name:* 2009 Updates- Core Premium Allocation Form  
*Project Name/Number:* 2009 Updates- Core Premium Allocation Form/22838

## **Disposition**

Disposition Date: 04/22/2009

Implementation Date:

Status: Approved-Closed

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
 Filing Company: New York Life Insurance and Annuity Corporation State Tracking Number: 42126  
 Company Tracking Number: 22838  
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Schedule	Schedule Item	Schedule Item Status	Public Access
Supporting Document	Flesch Certification	Yes	Yes
Supporting Document	Application	No	No
Supporting Document	Life & Annuity - Acturial Memo	No	No
Supporting Document	Bracketed Premium Allocation Form 22838	Yes	Yes
Form	Premium Allocation for Variable Life Insurance	Yes	Yes

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
 Filing Company: New York Life Insurance and Annuity State Tracking Number: 42126  
 Corporation  
 Company Tracking Number: 22838  
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 Product Name: 2009 Updates- Core Premium Allocation Form  
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## Form Schedule

**Lead Form Number: 22838**

Schedule Item Status	Form Number	Form Type Form Name	Action	Action Specific Data	Readability	Attachment
	22838	Application/Premium Allocation Enrollment for Variable Life Form Insurance	Revised	Replaced Form #: 22090 (5/06) Previous Filing #:	0.000	Gen 22838 (5-09).pdf

# New York Life Insurance and Annuity Corporation

## II. PREMIUM ALLOCATION FOR VARIABLE LIFE INSURANCE

**PLEASE READ CAREFULLY:** All variable life insurance Investment Divisions involve risk, including the potential to lose some or all of your original investment. Benefits and values are not guaranteed as to dollar amount and are based on the investment performance of the Investment Division(s) selected.

The investment options are grouped by risk. Risk classifications are determined on the basis of the Lipper category assigned to the Investment Division by Lipper Analytics as of December 31, 2008. Lipper is a widely used independent research firm, which ranks mutual funds and other investment companies by overall performance, investment objectives and assets. A general description of the investment objective for each Investment Division appears after its name. Please be sure your premium allocation matches your stated investment objective. There is no assurance that any of the Investment Divisions will attain their respective objectives. If you select the DCA Plus Account, you may allocate all (or part) of your initial net premium, as well as any subsequent premiums received in the twelve (12) months following the "Right to Examine/Right to Cancel" period (unless otherwise directed), to this account. No allocations may be made to the DCA Plus Account after the first Policy Year. If you select the DCA Extra Account, only your initial single premium (or a portion thereof) will be allocated to this account. No additional premiums may be allocated to the DCA Extra Account. Please indicate percentages in whole numbers. You may select up to 21 investment options, including the Investment Divisions, the Fixed Account, the DCA Plus or DCA Extra Accounts. Your premium payment is allocated to these Investment Divisions, the Fixed Account, the DCA Plus or DCA Extra Accounts after the Free Look/Right to Cancel provision has expired. The DCA Plus Account is a 12-month plan that is available for VUL Accumulator and SVUL Accumulator. The DCA Extra Account is a 6-month plan that is available for Legacy Creator SPVUL only.

<b>Guaranteed Interest Account</b>	<b>Fixed Account (101) – Not available for DCA Extra</b>	
	Current income with safety of principal . . . . .	_____ %
	<b>DCA Plus Account (\$1,000 minimum)</b>	
	<b>DCA Extra Account (\$1,000 minimum)</b>	
	<b>Complete Page 9 if you select DCA Plus or DCA Extra . . . . .</b>	<b>_____ %</b>

<b>Low Risk</b>	<b>MainStay VP Cash Management (102)</b>	
	Seeks as high a level of current income as is considered consistent with the preservation of capital and liquidity . . . . .	_____ %

<b>Moderate Risk</b>	<b>MainStay VP Balanced – Initial Class (145)</b>	
	Seeks high total return . . . . .	_____ %
	<b>MainStay VP Bond – Initial Class (107)</b>	
	Seeks highest income over the long term consistent with the preservation of principal . . . . .	_____ %
	<b>MainStay VP Convertible – Initial Class (119)</b>	
	Seeks capital appreciation together with current income . . . . .	_____ %
	<b>MainStay VP Floating Rate – Initial Class (144)</b>	
	Seeks to provide high current income . . . . .	_____ %
	<b>MainStay VP Government – Initial Class (103)</b>	
	Seeks a high level of current income, consistent with safety of principal . . . . .	_____ %
	<b>MainStay VP High Yield Corporate Bond – Initial Class (110)</b>	
	Seeks maximum current income through investment in a diversified portfolio of high yield, high risk debt securities. Capital appreciation is a secondary objective . . . . .	_____ %
	<b>MainStay VP ICAP Select Equity – Initial Class (121)</b>	
	Seeks superior total return . . . . .	_____ %
<b>MainStay VP Total Return – Initial Class (106)</b>		
Seeks to realize current income consistent with reasonable opportunity for future growth of capital and income . . . . .	_____ %	
<b>CVS Calvert Social Balanced Portfolio (112)</b>		
Seeks to achieve a competitive total return through an actively managed portfolio of stocks, bonds and money market instruments which offer income and capital growth opportunity and which satisfy the investment and social criteria . . . . .	_____ %	
<b>Fidelity® VIP Equity-Income – Initial Class (113)</b>		
Seeks reasonable income. The fund will also consider the potential for capital appreciation. The fund's goal is to achieve a yield which exceeds the composite yield on the securities comprising the Standard & Poor's <sup>SM</sup> Index (S&P® 500) . . . . .	_____ %	
<b>Janus Aspen Balanced Portfolio – Institutional Shares (114)</b>		
Seeks long-term capital growth, consistent with preservation of capital and balanced by current income . . . . .	_____ %	
<b>MFS® Utilities Series – Initial Class (208)</b>		
Seeks total return . . . . .	_____ %	
<b>T. Rowe Price Equity Income Portfolio – I (123)</b>		
Seeks to provide substantial dividend income as well as long-term growth of capital through investments in common stocks of established companies . . . . .	_____ %	

## Asset Allocation Portfolios

<b>Moderate Risk</b>	<b>MainStay VP Conservative Allocation – Initial Class (148)</b> Seeks current income and, secondarily, long term growth of capital . . . . .	_____ %
	<b>MainStay VP Moderate Allocation – Initial Class (149)</b> Seeks long-term growth of capital and, secondarily, current income . . . . .	_____ %
	<b>MainStay VP Moderate Growth Allocation – Initial Class (150)</b> Seeks long-term growth of capital and, secondarily, current income . . . . .	_____ %
<b>High Risk</b>	<b>MainStay VP Growth Allocation – Initial Class (151)</b> Seeks long-term growth of capital . . . . .	_____ %

<b>High Risk</b>	<b>MainStay VP Capital Appreciation – Initial Class (104)</b> Seeks long-term growth of capital. Dividend income, if any, is an incidental consideration . . . . .	_____ %
	<b>MainStay VP Common Stock – Initial Class (108)</b> Seeks long-term growth of capital, with income as a secondary consideration . . . . .	_____ %
	<b>MainStay VP International Equity – Initial Class (109)</b> Seeks to provide long-term growth of capital commensurate with an acceptable level of risk by investing in a portfolio consisting primarily of non-U.S. equity securities. Current income is a secondary objective . . . . .	_____ %
	<b>MainStay VP Large Cap Growth – Initial Class (122)</b> Seeks long term growth of capital . . . . .	_____ %
	<b>MainStay VP Mid Cap Core – Initial Class (136)</b> Seeks long-term growth of capital . . . . .	_____ %
	<b>MainStay VP Mid Cap Growth – Initial Class (137)</b> Seeks long-term growth of capital . . . . .	_____ %
	<b>MainStay VP Mid Cap Value – Initial Class (134)</b> Seeks to realize maximum long-term total return from a combination of capital appreciation and income . . . . .	_____ %
	<b>MainStay VP S&amp;P 500 Index – Initial Class (105)</b> Seeks to provide investment results that correspond to the total return performance (reflecting reinvestment of dividends) of common stocks represented in the aggregate, as represented by the S&P 500® Index . . . . .	_____ %
	<b>AIM V.I. International Growth Fund – Series I Shares (154)</b> The fund's investment objective is long-term growth of capital . . . . .	_____ %
	<b>AllianceBernstein VPS Small/Mid Cap Value Portfolio (152)</b> Seeks long-term growth of capital . . . . .	_____ %
	<b>DWS Dreman Small Mid Cap Value VIP – Class A Shares** (153)</b> The portfolio seeks long-term capital appreciation . . . . .	_____ %
	<b>Fidelity® VIP Contrafund® – Initial Class (115)</b> Seeks long-term capital appreciation . . . . .	_____ %
	<b>Janus Aspen Worldwide Portfolio – Institutional Shares (117)</b> Seeks long-term growth of capital in a manner consistent with the preservation of capital . . . . .	_____ %
	<b>Royce Micro-Cap Portfolio – Investment Class (146)</b> Seeks long-term growth of capital . . . . .	_____ %
	<b>Royce Small-Cap Portfolio – Investment Class (147)</b> Seeks long-term growth of capital. Any production of income is incidental to the fund's investment goal . . . . .	_____ %
	<b>Van Eck Worldwide Hard Assets Fund (127)</b> Seeks long-term capital appreciation by investing primarily in (hard assets) securities. Income is a secondary consideration . . . . .	_____ %
	<b>Van Kampen's UIF U.S. Real Estate Portfolio – Class I (212)</b> Seeks above average current income and long-term capital appreciation by investing primarily in equity securities of companies in the U.S. real estate industry, including real estate investment trusts ("REITS") . . . . .	_____ %

<b>Highest Risk</b>	<b>MainStay VP Small-Cap Growth – Initial Class (135)</b> Seeks long-term capital appreciation by investing in securities of small-cap companies . . . . .	_____ %
	<b>Dreyfus IP Technology Growth – Initial Shares (138)</b> The portfolio seeks capital appreciation . . . . .	_____ %
	<b>Van Kampen's UIF Emerging Markets Equity Portfolio – Class I (118)</b> Seeks long-term capital appreciation by investing primarily in growth-oriented equity securities of issuers in emerging market countries . . . . .	_____ %

<b>TOTAL:</b> . . . . .	<b>100%</b>
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Issued by:  
New York Life Insurance and Annuity Corporation (A Delaware Corporation)  
51 Madison Ave, New York, NY 10010

Distributed by:  
NYLIFE Distributors LLC

# TRANSFER OF DCA PLUS AND DCA EXTRA ACCOUNTS

Complete if any of your premium is allocated to the Dollar Cost Averaging (DCA) Plus or DCA Extra Accounts.

The Investment Option(s) selected should be consistent with your overall investment objective and risk tolerance. Using whole numbers, please indicate below to which Investment Option(s) you would like to transfer the premium in your DCA Plus or DCA Extra accounts. Percentages must add up to 100%. If you select the DCA Plus Account, you may allocate all (or part of) your initial net premium, as well as any subsequent premiums received in the twelve (12) months following the "Right to Examine" period (unless otherwise directed), to this account. No allocations may be made to the DCA Plus Account after the first Policy Year. If you select the DCA Extra Account, only your initial single premium (or a portion thereof) will be allocated to this account. No premiums other than the initial single premium will be permitted in the DCA Extra Account. Please remember that any premiums received into the DCA Plus Account will be transferred to the Investment Division(s) and/or the Fixed Account over the remainder of the 12-month period. For DCA Extra, the initial single premium received will be transferred to the Investment Division(s) over the remainder of the 6-month period. These transfers will begin the month on, or immediately following, the expiration of the Policy's "Right To Examine Policy/Right to Cancel" period. Once the entire balance is transferred from the DCA Plus or DCA Extra Account to the Investment Division(s), it will close. Funds may not be transferred from the Policy's Fixed Account or any Investment Division into the DCA Plus or DCA Extra Accounts.

Please Note: The DCA Plus and DCA Extra Accounts do not assure a profit and do not protect against loss in a declining market. The DCA Plus and DCA Extra Accounts can only be elected at application. Under these arrangements, the DCA Plus and DCA Extra Accounts must be established with a minimum of \$1,000 from the initial premium payment. Transfers made from the DCA Plus or DCA Extra Accounts are not subject to the greater of 20% or \$5,000 Fixed Account transfer limitation (10% for Accumulator SVUL). If you do not want the premium allocations initially selected in connection with the DCA Plus or DCA Extra Accounts to apply to future premiums, you should complete a Change of Allocation form.

For the DCA Plus or DCA Extra Accounts to continue as scheduled, the cash value in these accounts must be maintained at a \$100 minimum. If the cash value falls below these minimums during the twelve-month period (DCA Plus) or six-month period (DCA Extra), the account will be terminated and the remaining balance will be transferred to the Investment Division(s) based on the current allocation selected for the DCA Plus or DCA Extra Accounts. We will notify you in writing if this should occur.

The interest rate offered on the DCA Plus and DCA Extra Accounts may change. Please contact your registered representative for the current interest rate, or, if you prefer, please contact a Customer Service Representative toll-free, at 1-800-598-2019.

### Risk Level

Guaranteed Interest = (G)
Low Risk = (L)
Moderate Risk = (M)
High Risk = (H)
Highest Risk = (T)

## INDICATE INVESTMENT OPTION CHOICES AND PERCENTAGES:

Fund Name		Fund Name	
Fixed Account (101) Not Available for DCA Extra	(G) _____ %	MainStay VP S&P 500 Index – Initial Class (105)	(H) _____ %
MainStay VP Balanced – Initial Class (145)	(M) _____ %	MainStay VP Small Cap Growth – Initial Class (135)	(T) _____ %
MainStay VP Bond – Initial Class (107)	(M) _____ %	MainStay VP Total Return – Initial Class (106)	(M) _____ %
MainStay VP Capital Appreciation – Initial Class (104)	(H) _____ %	AIM V.I. International Growth Fund – Series I Shares (154)	(H) _____ %
MainStay VP Cash Management (102)	(L) _____ %	AllianceBernstein VPS Small/Mid Cap Value Portfolio (152)	(H) _____ %
MainStay VP Common Stock – Initial Class (108)	(H) _____ %	CVS Calvert Social Balanced Portfolio (112)	(M) _____ %
MainStay VP Conservative Allocation – Initial Class (148)	(M) _____ %	Dreyfus IP Technology Growth – Initial Class (138)	(T) _____ %
MainStay VP Convertible – Initial Class (119)	(M) _____ %	DWS Dreman Small Mid Cap Value VIP – Class A Shares (153)	(H) _____ %
MainStay VP Floating Rate – Initial Class (144)	(L) _____ %	Fidelity® VIP Contrafund® – Initial Class (115)	(H) _____ %
MainStay VP Government – Initial Class (103)	(M) _____ %	Fidelity® VIP Equity-Income – Initial Class (113)	(M) _____ %
MainStay VP Growth Allocation – Initial Class (151)	(H) _____ %	Janus Aspen Balanced Portfolio – Institutional Shares (114)	(M) _____ %
MainStay VP High Yield Corporate Bond – Initial Class (110)	(M) _____ %	Janus Aspen Worldwide Portfolio – Institutional Shares (117)	(H) _____ %
MainStay VP ICAP Select Equity – Initial Class (121)	(M) _____ %	MFS® Utilities Series – Initial Class (208)	(M) _____ %
MainStay VP International Equity – Initial Class (109)	(H) _____ %	Royce Micro-Cap Portfolio – Investment Class (146)	(H) _____ %
MainStay VP Large Cap Growth – Initial Class (122)	(H) _____ %	Royce Small-Cap Portfolio – Investment Class (147)	(H) _____ %
MainStay VP Mid Cap Core – Initial Class (136)	(H) _____ %	T. Rowe Price Equity Income Portfolio – I (123)	(M) _____ %
MainStay VP Mid Cap Growth – Initial Class (137)	(H) _____ %	Van Eck Worldwide Hard Assets Fund (127)	(H) _____ %
MainStay VP Mid Cap Value – Initial Class (134)	(H) _____ %	Van Kampen's UIF Emerging Markets Equity Portfolio	
MainStay VP Moderate Allocation – Initial Class (149)	(M) _____ %	– Class I (118)	(T) _____ %
MainStay VP Moderate Growth Allocation – Initial Class (150)	(M) _____ %	Van Kampen's UIF U.S. Real Estate Portfolio – Class I (212)	(M) _____ %

### III. DISCLOSURE REGARDING SUITABILITY OF VARIABLE LIFE INSURANCE

1. Do you own any existing NYLIAC variable life insurance with the same tax qualification (Qualified or Non-Qualified) as the variable life insurance you are purchasing? Yes  No  (If "Yes", answer question 2 below.)
2. Are you aware that you may be able to increase the face amount of your existing NYLIAC variable life insurance policy to meet your life insurance needs? Yes  No

#### Fixed Account Allocation

I/We have been advised that the Fixed Account is not intended to be the primary investment option for a variable universal life insurance policy. I/We know that, in addition to the Fixed Account, this policy offers a variety of Investment Divisions to which premium payments may be allocated. However, I/We have chosen to allocate all or a portion of the premium payments to the Fixed Account. I/We understand that (1) fees and charges for this policy may be higher than those for a policy that does not offer Investment Divisions and (2) that there is a limit to the amount that may be transferred during the policy year from the Fixed Account to the Investment Divisions. **For VUL Accumulator, SVUL Accumulator, and Legacy Creator SPVUL**, the amount that may be transferred cannot exceed the greater of 20% of the Fixed Account value (at the beginning of each policy year) or \$5,000.

#### GENERAL:

- I/We understand that the product applied for is a life insurance policy with an investment component, and that the monthly deductions will be deducted from the policy's cash value.
- **I/WE UNDERSTAND THAT UNDER THE POLICY APPLIED FOR (EXCLUSIVE OF THE FIXED ACCOUNT AND ANY SUPPLEMENTARY BENEFITS) THE AMOUNT OF THE LIFE INSURANCE BENEFIT AND CASH VALUE MAY INCREASE OR DECREASE DEPENDING UPON INVESTMENT EXPERIENCE OF THE SEPARATE ACCOUNT.**
- I/We understand that a life insurance policy involves a long-term financial commitment and I/we should have other liquid assets available for day-to-day living expenses and other major anticipated obligations.
- I/We understand that I/we may lose the life insurance benefit if the amount of (1) the cash surrender value of the policy (for VUL Accumulator and SVUL Accumulator) or (2) the cash value of the policy minus any outstanding policy loans and accrued loan interest for (Legacy Creator SPVUL) is not sufficient to pay all the monthly deduction charges even if I/we continue making planned premium payments.

### IV. SIGNATURES

I/We acknowledge the following: that I/we have read and understood the prospectus and the above disclosure regarding the suitability of the variable life insurance policy applied for and have received a current policy prospectus; that I/we understand the objectives, risks, sales charges, and all expenses applicable to the policy; that this variable life insurance policy is in accordance with my/our investment objectives and anticipated financial needs; and that past performance is not a guarantee of future results.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Other Required Signature \_\_\_\_\_ Date \_\_\_\_\_

State where application is signed: \_\_\_\_\_

### Registered Representative Information

#### Funds Accepted with Application

I/we hereby affirm that the following funds were received with this application, and the customer has been notified that the account can only be accepted by NYLIFE Securities, the broker dealer, after its review of the information contained herein and the suitability of the transaction (if applicable) for the customer.

I/we have not accepted cash and all checks are made payable to NYLIAC.

Check Number: \_\_\_\_\_ Check Dated: \_\_\_\_\_ Amount Payable: \_\_\_\_\_

I have not made any representations that are inconsistent with the prospectus for this product.

1. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

2. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

3. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

4. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

SERFF Tracking Number: NYLC-126116366 State: Arkansas  
 Filing Company: New York Life Insurance and Annuity Corporation State Tracking Number: 42126  
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## Supporting Document Schedules

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Satisfied - Item:</b> Flesch Certification <b>Comments:</b> <b>Attachment:</b> Readability Cert.pdf		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Bypassed - Item:</b> Application <b>Bypass Reason:</b> N/A - No Policy in filing. <b>Comments:</b>		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Bypassed - Item:</b> Life & Annuity - Acturial Memo <b>Bypass Reason:</b> N/A <b>Comments:</b>		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Satisfied - Item:</b> Bracketed Premium Allocation Form 22838 <b>Comments:</b> <b>Attachment:</b> 22838 (5-09)- Bracketed.pdf		

**NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION**  
**READABILITY CERTIFICATION**

**I certify that the forms listed on the attached page(s) meet the standards of your State's Readability Laws.**

**NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION**

*Linda E. LoPinto*

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**Signature**

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**Linda E. LoPinto**

**Name**

---

**Corporate Vice President**

**Title**

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**April 16, 2009**

**Date**

**NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION**

**Flesch Scores for forms submitted with this filing are:**

**Form No.**  
22838

**Flesch Score**  
52

# New York Life Insurance and Annuity Corporation

## II. PREMIUM ALLOCATION FOR VARIABLE LIFE INSURANCE

**PLEASE READ CAREFULLY:** All variable life insurance Investment Divisions involve risk, including the potential to lose some or all of your original investment. Benefits and values are not guaranteed as to dollar amount and are based on the investment performance of the Investment Division(s) selected.

The investment options are grouped by risk. Risk classifications are determined on the basis of the Lipper category assigned to the Investment Division by Lipper Analytics as of [December 31, 2008]. Lipper is a widely used independent research firm, which ranks mutual funds and other investment companies by overall performance, investment objectives and assets. A general description of the investment objective for each Investment Division appears after its name. Please be sure your premium allocation matches your stated investment objective. There is no assurance that any of the Investment Divisions will attain their respective objectives. If you select the DCA Plus Account, you may allocate all (or part) of your initial net premium, as well as any subsequent premiums received in the twelve (12) months following the "Right to Examine/Right to Cancel" period (unless otherwise directed), to this account. No allocations may be made to the DCA Plus Account after the first Policy Year. If you select the DCA Extra Account, only your initial single premium (or a portion thereof) will be allocated to this account. No additional premiums may be allocated to the DCA Extra Account. Please indicate percentages in whole numbers. You may select up to 21 investment options, including the Investment Divisions, the Fixed Account, the DCA Plus or DCA Extra Accounts. Your premium payment is allocated to these Investment Divisions, the Fixed Account, the DCA Plus or DCA Extra Accounts after the Free Look/Right to Cancel provision has expired. The DCA Plus Account is a 12-month plan that is available for VUL Accumulator and SVUL Accumulator. The DCA Extra Account is a 6-month plan that is available for Legacy Creator SPVUL only.

<b>Guaranteed Interest Account</b>	<b>Fixed Account (101) – Not available for DCA Extra</b>	
	Current income with safety of principal . . . . .	_____ %
	<b>DCA Plus Account (\$1,000 minimum)</b>	
	<b>DCA Extra Account (\$1,000 minimum)</b>	
	<b>Complete Page 9 if you select DCA Plus or DCA Extra . . . . .</b>	<b>_____ %</b>

<b>Low Risk</b>	<b>MainStay VP Cash Management (102)</b>	
	Seeks as high a level of current income as is considered consistent with the preservation of capital and liquidity . . . . .	_____ %

<b>Moderate Risk</b>	<b>MainStay VP Balanced – Initial Class (145)</b>	
	Seeks high total return . . . . .	_____ %
	<b>MainStay VP Bond – Initial Class (107)</b>	
	Seeks highest income over the long term consistent with the preservation of principal . . . . .	_____ %
	<b>MainStay VP Convertible – Initial Class (119)</b>	
	Seeks capital appreciation together with current income . . . . .	_____ %
	<b>MainStay VP Floating Rate – Initial Class (144)</b>	
	Seeks to provide high current income . . . . .	_____ %
	<b>MainStay VP Government – Initial Class (103)</b>	
	Seeks a high level of current income, consistent with safety of principal . . . . .	_____ %
	<b>MainStay VP High Yield Corporate Bond – Initial Class (110)</b>	
	Seeks maximum current income through investment in a diversified portfolio of high yield, high risk debt securities. Capital appreciation is a secondary objective . . . . .	_____ %
	<b>MainStay VP ICAP Select Equity – Initial Class (121)</b>	
	Seeks superior total return . . . . .	_____ %
<b>MainStay VP Total Return – Initial Class (106)</b>		
Seeks to realize current income consistent with reasonable opportunity for future growth of capital and income . . . . .	_____ %	
<b>CVS Calvert Social Balanced Portfolio (112)</b>		
Seeks to achieve a competitive total return through an actively managed portfolio of stocks, bonds and money market instruments which offer income and capital growth opportunity and which satisfy the investment and social criteria . . . . .	_____ %	
<b>Fidelity® VIP Equity-Income – Initial Class (113)</b>		
Seeks reasonable income. The fund will also consider the potential for capital appreciation. The fund's goal is to achieve a yield which exceeds the composite yield on the securities comprising the Standard & Poor's <sup>SM</sup> Index (S&P® 500) . . . . .	_____ %	
<b>Janus Aspen Balanced Portfolio – Institutional Shares (114)</b>		
Seeks long-term capital growth, consistent with preservation of capital and balanced by current income . . . . .	_____ %	
<b>MFS® Utilities Series – Initial Class (208)</b>		
Seeks total return . . . . .	_____ %	
<b>T. Rowe Price Equity Income Portfolio – I (123)</b>		
Seeks to provide substantial dividend income as well as long-term growth of capital through investments in common stocks of established companies . . . . .	_____ %	

## Asset Allocation Portfolios

<b>Moderate Risk</b>	<b>MainStay VP Conservative Allocation – Initial Class (148)</b> Seeks current income and, secondarily, long term growth of capital . . . . .	_____ %	
	<b>MainStay VP Moderate Allocation – Initial Class (149)</b> Seeks long-term growth of capital and, secondarily, current income . . . . .	_____ %	
	<b>MainStay VP Moderate Growth Allocation – Initial Class (150)</b> Seeks long-term growth of capital and, secondarily, current income . . . . .	_____ %	
<b>High Risk</b>	<b>MainStay VP Growth Allocation – Initial Class (151)</b> Seeks long-term growth of capital . . . . .	_____ %	
<b>High Risk</b>	<b>MainStay VP Capital Appreciation – Initial Class (104)</b> Seeks long-term growth of capital. Dividend income, if any, is an incidental consideration . . . . .	_____ %	
	<b>MainStay VP Common Stock – Initial Class (108)</b> Seeks long-term growth of capital, with income as a secondary consideration . . . . .	_____ %	
	<b>MainStay VP International Equity – Initial Class (109)</b> Seeks to provide long-term growth of capital commensurate with an acceptable level of risk by investing in a portfolio consisting primarily of non-U.S. equity securities. Current income is a secondary objective . . . . .	_____ %	
	<b>MainStay VP Large Cap Growth – Initial Class (122)</b> Seeks long term growth of capital . . . . .	_____ %	
	<b>MainStay VP Mid Cap Core – Initial Class (136)</b> Seeks long-term growth of capital . . . . .	_____ %	
	<b>MainStay VP Mid Cap Growth – Initial Class (137)</b> Seeks long-term growth of capital . . . . .	_____ %	
	<b>MainStay VP Mid Cap Value – Initial Class (134)</b> Seeks to realize maximum long-term total return from a combination of capital appreciation and income . . . . .	_____ %	
	<b>MainStay VP S&amp;P 500 Index – Initial Class (105)</b> Seeks to provide investment results that correspond to the total return performance (reflecting reinvestment of dividends) of common stocks represented in the aggregate, as represented by the S&P 500® Index . . . . .	_____ %	
	<b>AIM V.I. International Growth Fund – Series I Shares (154)</b> The fund's investment objective is long-term growth of capital . . . . .	_____ %	
	<b>AllianceBernstein VPS Small/Mid Cap Value Portfolio (152)</b> Seeks long-term growth of capital . . . . .	_____ %	
	<b>DWS Dreman Small Mid Cap Value VIP – Class A Shares** (153)</b> The portfolio seeks long-term capital appreciation . . . . .	_____ %	
	<b>Fidelity® VIP Contrafund® – Initial Class (115)</b> Seeks long-term capital appreciation . . . . .	_____ %	
	<b>Janus Aspen Worldwide Portfolio – Institutional Shares (117)</b> Seeks long-term growth of capital in a manner consistent with the preservation of capital . . . . .	_____ %	
	<b>Royce Micro-Cap Portfolio – Investment Class (146)</b> Seeks long-term growth of capital . . . . .	_____ %	
	<b>Royce Small-Cap Portfolio – Investment Class (147)</b> Seeks long-term growth of capital. Any production of income is incidental to the fund's investment goal . . . . .	_____ %	
	<b>Van Eck Worldwide Hard Assets Fund (127)</b> Seeks long-term capital appreciation by investing primarily in (hard assets) securities. Income is a secondary consideration . . . . .	_____ %	
	<b>Van Kampen's UIF U.S. Real Estate Portfolio – Class I (212)</b> Seeks above average current income and long-term capital appreciation by investing primarily in equity securities of companies in the U.S. real estate industry, including real estate investment trusts ("REITS") . . . . .	_____ %	
	<b>Highest Risk</b>	<b>MainStay VP Small-Cap Growth – Initial Class (135)</b> Seeks long-term capital appreciation by investing in securities of small-cap companies . . . . .	_____ %
		<b>Dreyfus IP Technology Growth – Initial Shares (138)</b> The portfolio seeks capital appreciation . . . . .	_____ %
<b>Van Kampen's UIF Emerging Markets Equity Portfolio – Class I (118)</b> Seeks long-term capital appreciation by investing primarily in growth-oriented equity securities of issuers in emerging market countries . . . . .		_____ %	

**TOTAL:** . . . . . **100%**

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51 Madison Ave, New York, NY 10010

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# TRANSFER OF DCA PLUS AND DCA EXTRA ACCOUNTS

Complete if any of your premium is allocated to the Dollar Cost Averaging (DCA) Plus or DCA Extra Accounts.

The Investment Option(s) selected should be consistent with your overall investment objective and risk tolerance. Using whole numbers, please indicate below to which Investment Option(s) you would like to transfer the premium in your DCA Plus or DCA Extra accounts. Percentages must add up to 100%. If you select the DCA Plus Account, you may allocate all (or part of) your initial net premium, as well as any subsequent premiums received in the twelve (12) months following the "Right to Examine" period (unless otherwise directed), to this account. No allocations may be made to the DCA Plus Account after the first Policy Year. If you select the DCA Extra Account, only your initial single premium (or a portion thereof) will be allocated to this account. No premiums other than the initial single premium will be permitted in the DCA Extra Account. Please remember that any premiums received into the DCA Plus Account will be transferred to the Investment Division(s) and/or the Fixed Account over the remainder of the 12-month period. For DCA Extra, the initial single premium received will be transferred to the Investment Division(s) over the remainder of the 6-month period. These transfers will begin the month on, or immediately following, the expiration of the Policy's "Right To Examine Policy/Right to Cancel" period. Once the entire balance is transferred from the DCA Plus or DCA Extra Account to the Investment Division(s), it will close. Funds may not be transferred from the Policy's Fixed Account or any Investment Division into the DCA Plus or DCA Extra Accounts.

Please Note: The DCA Plus and DCA Extra Accounts do not assure a profit and do not protect against loss in a declining market. The DCA Plus and DCA Extra Accounts can only be elected at application. Under these arrangements, the DCA Plus and DCA Extra Accounts must be established with a minimum of \$1,000 from the initial premium payment. Transfers made from the DCA Plus or DCA Extra Accounts are not subject to the greater of 20% or \$5,000 Fixed Account transfer limitation (10% for Accumulator SVUL). If you do not want the premium allocations initially selected in connection with the DCA Plus or DCA Extra Accounts to apply to future premiums, you should complete a Change of Allocation form.

For the DCA Plus or DCA Extra Accounts to continue as scheduled, the cash value in these accounts must be maintained at a \$100 minimum. If the cash value falls below these minimums during the twelve-month period (DCA Plus) or six-month period (DCA Extra), the account will be terminated and the remaining balance will be transferred to the Investment Division(s) based on the current allocation selected for the DCA Plus or DCA Extra Accounts. We will notify you in writing if this should occur.

The interest rate offered on the DCA Plus and DCA Extra Accounts may change. Please contact your registered representative for the current interest rate, or, if you prefer, please contact a Customer Service Representative toll-free, at 1-800-598-2019.

### Risk Level

Guaranteed Interest = (G)  
 Low Risk = (L)  
 Moderate Risk = (M)  
 High Risk = (H)  
 Highest Risk = (T)

## INDICATE INVESTMENT OPTION CHOICES AND PERCENTAGES:

Fund Name		Fund Name	
Fixed Account (101) Not Available for DCA Extra	(G) _____ %	MainStay VP S&P 500 Index – Initial Class (105)	(H) _____ %
MainStay VP Balanced – Initial Class (145)	(M) _____ %	MainStay VP Small Cap Growth – Initial Class (135)	(T) _____ %
MainStay VP Bond – Initial Class (107)	(M) _____ %	MainStay VP Total Return – Initial Class (106)	(M) _____ %
MainStay VP Capital Appreciation – Initial Class (104)	(H) _____ %	AIM V.I. International Growth Fund – Series I Shares (154)	(H) _____ %
MainStay VP Cash Management (102)	(L) _____ %	AllianceBernstein VPS Small/Mid Cap Value Portfolio (152)	(H) _____ %
MainStay VP Common Stock – Initial Class (108)	(H) _____ %	CVS Calvert Social Balanced Portfolio (112)	(M) _____ %
MainStay VP Conservative Allocation – Initial Class (148)	(M) _____ %	Dreyfus IP Technology Growth – Initial Class (138)	(T) _____ %
MainStay VP Convertible – Initial Class (119)	(M) _____ %	DWS Dreman Small Mid Cap Value VIP – Class A Shares (153)	(H) _____ %
MainStay VP Floating Rate – Initial Class (144)	(L) _____ %	Fidelity® VIP Contrafund® – Initial Class (115)	(H) _____ %
MainStay VP Government – Initial Class (103)	(M) _____ %	Fidelity® VIP Equity-Income – Initial Class (113)	(M) _____ %
MainStay VP Growth Allocation – Initial Class (151)	(H) _____ %	Janus Aspen Balanced Portfolio – Institutional Shares (114)	(M) _____ %
MainStay VP High Yield Corporate Bond – Initial Class (110)	(M) _____ %	Janus Aspen Worldwide Portfolio – Institutional Shares (117)	(H) _____ %
MainStay VP ICAP Select Equity – Initial Class (121)	(M) _____ %	MFS® Utilities Series – Initial Class (208)	(M) _____ %
MainStay VP International Equity – Initial Class (109)	(H) _____ %	Royce Micro-Cap Portfolio – Investment Class (146)	(H) _____ %
MainStay VP Large Cap Growth – Initial Class (122)	(H) _____ %	Royce Small-Cap Portfolio – Investment Class (147)	(H) _____ %
MainStay VP Mid Cap Core – Initial Class (136)	(H) _____ %	T. Rowe Price Equity Income Portfolio – I (123)	(M) _____ %
MainStay VP Mid Cap Growth – Initial Class (137)	(H) _____ %	Van Eck Worldwide Hard Assets Fund (127)	(H) _____ %
MainStay VP Mid Cap Value – Initial Class (134)	(H) _____ %	Van Kampen's UIF Emerging Markets Equity Portfolio	
MainStay VP Moderate Allocation – Initial Class (149)	(M) _____ %	– Class I (118)	(T) _____ %
MainStay VP Moderate Growth Allocation – Initial Class (150)	(M) _____ %	Van Kampen's UIF U.S. Real Estate Portfolio – Class I (212)	(M) _____ %

Variable products are offered through properly licensed registered representatives of NYLIFE Securities Inc. (member FINRA/SIPC), 51 Madison Avenue, New York, NY 10010

### III. DISCLOSURE REGARDING SUITABILITY OF VARIABLE LIFE INSURANCE

1. Do you own any existing NYLIAC variable life insurance with the same tax qualification (Qualified or Non-Qualified) as the variable life insurance you are purchasing? Yes  No  (If "Yes", answer question 2 below.)
2. Are you aware that you may be able to increase the face amount of your existing NYLIAC variable life insurance policy to meet your life insurance needs? Yes  No

#### Fixed Account Allocation

I/We have been advised that the Fixed Account is not intended to be the primary investment option for a variable universal life insurance policy. I/We know that, in addition to the Fixed Account, this policy offers a variety of Investment Divisions to which premium payments may be allocated. However, I/We have chosen to allocate all or a portion of the premium payments to the Fixed Account. I/We understand that (1) fees and charges for this policy may be higher than those for a policy that does not offer Investment Divisions and (2) that there is a limit to the amount that may be transferred during the policy year from the Fixed Account to the Investment Divisions. **For VUL Accumulator, SVUL Accumulator, and Legacy Creator SPVUL**, the amount that may be transferred cannot exceed the greater of 20% of the Fixed Account value (at the beginning of each policy year) or \$5,000.

#### GENERAL:

- I/We understand that the product applied for is a life insurance policy with an investment component, and that the monthly deductions will be deducted from the policy's cash value.
- **I/WE UNDERSTAND THAT UNDER THE POLICY APPLIED FOR (EXCLUSIVE OF THE FIXED ACCOUNT AND ANY SUPPLEMENTARY BENEFITS) THE AMOUNT OF THE LIFE INSURANCE BENEFIT AND CASH VALUE MAY INCREASE OR DECREASE DEPENDING UPON INVESTMENT EXPERIENCE OF THE SEPARATE ACCOUNT.**
- I/We understand that a life insurance policy involves a long-term financial commitment and I/we should have other liquid assets available for day-to-day living expenses and other major anticipated obligations.
- I/We understand that I/we may lose the life insurance benefit if the amount of (1) the cash surrender value of the policy (for VUL Accumulator and SVUL Accumulator) or (2) the cash value of the policy minus any outstanding policy loans and accrued loan interest for (Legacy Creator SPVUL) is not sufficient to pay all the monthly deduction charges even if I/we continue making planned premium payments.

### IV. SIGNATURES

I/We acknowledge the following: that I/we have read and understood the prospectus and the above disclosure regarding the suitability of the variable life insurance policy applied for and have received a current policy prospectus; that I/we understand the objectives, risks, sales charges, and all expenses applicable to the policy; that this variable life insurance policy is in accordance with my/our investment objectives and anticipated financial needs; and that past performance is not a guarantee of future results.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Other Required Signature \_\_\_\_\_ Date \_\_\_\_\_

State where application is signed: \_\_\_\_\_

### Registered Representative Information

#### Funds Accepted with Application

I/we hereby affirm that the following funds were received with this application, and the customer has been notified that the account can only be accepted by NYLIFE Securities, the broker dealer, after its review of the information contained herein and the suitability of the transaction (if applicable) for the customer.

I/we have not accepted cash and all checks are made payable to NYLIAC.

Check Number: \_\_\_\_\_ Check Dated: \_\_\_\_\_ Amount Payable: \_\_\_\_\_

I have not made any representations that are inconsistent with the prospectus for this product.

1. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

2. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

3. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date

4. \_\_\_\_\_  
Rep Code      Print Registered Rep Name

\_\_\_\_\_  
GO Code      Registered Rep Signature      Date