

SAMPLE - QDRO

IN THE _____ COURT OF _____ COUNTY
IN THE STATE OF _____

Petitioner _____,)
vs. _____,)
Case No. _____
Respondent _____,)
_____)

QUALIFIED DOMESTIC RELATIONS ORDER

This Order is intended to be a "Qualified Domestic Relations Order" as that term is defined in Section 414(p) of the Internal Revenue Code of 1954, as amended (hereinafter referred to as IRC), under Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended (hereinafter referred to as ERISA), under the Retirement Equity Act of 1984 and under all applicable regulations issued pursuant to such Act. The Court retains jurisdiction to modify this Order for the purpose of meeting such requirements. This Order shall remain qualified with respect to any successor plans to the Plan identified in item 3 below. This Order shall not require the Plan to provide any type, form of benefits, or option not otherwise provided by the Plan, nor shall this Order require the Plan to pay benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic

Relations Order. In the case of conflict between the terms of this Order and the terms of the Plan identified in item 3 below, the terms of the Plan shall prevail. In compliance with the foregoing, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. That the Petitioner, (name) (hereinafter sometimes referred to as the Alternate Payee), has the following date of birth, Social Security number, and last known mailing address:

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

LAST MAILING ADDRESS:

2. That the Respondent, (name) (hereinafter sometimes referred to as the Participant), has the following date of birth, Social Security number, and last known mailing address:

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

LAST MAILING ADDRESS:

3. That the Respondent is a Participant in the following employee retirement benefit plan(s):

NAME OF PLAN:

TYPE OF PLAN:

PLAN ADMINISTRATOR:

ADMINISTRATOR'S ADDRESS:

4. That the marriage of the Petitioner and the Respondent took place on (date), and they were married continuously through _____.
5. That pursuant to the IRC Sections 401(a)(13) and 414 (p) (1) (A) and (B), ERISA Section 206 (d) (3), and in accordance with domestic relations law,

the Alternate Payee shall be assigned a benefit equal to (____%) of that portion of the Participant's accrued benefit under the Plan attributable to participation in the Plan during the period of the Participant's marriage to the Alternate Payee.

6. That benefits payable to the Alternate Payee under this Order shall commence as of a date selected by the Alternate Payee consistent with the terms of the Plan.
7. That the Alternate Payee shall have the option of receiving benefits actuarially adjusted for (his/her) lifetime in lieu of benefits payable for the Participant's life expectancy.
8. That in the event the Participant's death occurs before (his/her) retirement and before payment of the Alternate Payee's benefits commence, the Alternate Payee shall have the option of being treated as the surviving spouse for purposes of the Plan's pre-retirement survivor benefits. The benefit shall be based upon the Alternate Payee's interest, as determined under item 5 above, in the Participant's accrued benefit.
9. That benefits determined under this Order to be due the Alternate Payee shall be paid by the Plan Administrator in such manner as the Alternate Payee elects, consistent with the available payout options under the Plan. The Alternate Payee shall have the affirmative duty to notify the Plan Administrator when (she/he) wishes such payments to commence.
10. That the Participant shall hereafter have the right to change (his/her) beneficiary designation without the consent of the Alternate Payee, which

designation is currently in favor of _____. However, if the Participant does subsequently change such designation, the Alternate Payee's share of the Participant's pension and/or death benefits shall be protected as provided by this Order.

11. That full payment by the Plan to the Alternate Payee of all benefits assigned to the Alternate Payee under this Order shall fully discharge the Plan's obligation to the Alternate Payee.
12. That the Alternate Payee shall notify the Plan Administrator of any changes in (his/her) address and telephone number. Such notice shall be in writing, addressed as shown in item 3 above. All notices to be given or documents to be sent to the Plan Administrator shall be so addressed, and shall not be deemed given unless sent by certified mail, return receipt requested.
13. That the Participant and the Alternate Payee shall hold the Plan and its sponsors and fiduciaries harmless from any liabilities which arise from compliance with this Order, including, but not limited to, all reasonable attorney's fees which may be incurred in connection with any claims which are asserted as a result of such compliance.
14. That the Plan and its sponsors and fiduciaries shall not be liable for any attorney's fees incurred by the Participant or the Alternate Payee in connection with obtaining or enforcing this Order.
15. That actuarial calculations made pursuant to this Order shall be performed by or on behalf of the Plan Administrator in accordance with the actuarial

assumptions and methods used for similar calculations under the Plan.

Actuarial calculations performed pursuant to this Order shall be final and binding upon the Participant and the Alternate Payee.

16. That the Alternate Payee shall report any payments received pursuant to this Order on any applicable income tax return. The Plan Administrator is authorized to issue an IRS Form W-2P for any payments made directly to the Alternate Payee.

THIS QUALIFIED DOMESTIC RELATIONS ORDER IS DATED THIS _____

DAY OF _____, 19_____.

JUDGE'S SIGNATURE