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# INTERMOUNTAIN IRONWORKERS PENSION PLAN

# **SAMPLE QUALIFIED DOMESTIC RELATIONS ORDER FOR NON-RETIRED PARTICIPANTS**

In re the Marriage of, ) CASE NO. \_\_\_\_\_  
Petitioner: )  
and ) STIPULATED  
Respondent: ) DOMESTIC RELATIONS ORDER  
\_\_\_\_\_)

1. This Order is intended to be a Qualified Domestic Relations Order (QDRO) within the meaning of 29 U.S.C. § 1056(d), and of 26 U.S.C. § 414(p).
2. This Order relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child or other dependent of a Participant who has not yet retired from the Intermountain Ironworkers Pension Plan (the “Plan”).
3. This Order is made pursuant to the domestic relations law (including community property law) of the State of [INSERT STATE].
4. [INSERT NAME OF PARTICIPANT] (“Participant”) is a participant in the Plan and has earned certain benefits under the Plan.
5. Participant’s mailing address is:

*Participant shall advise the Plan of any change in the above mailing address.*

Participant's social security number is: \_\_\_\_\_  
Participant's birth date is: \_\_\_\_\_

6. [INSERT NAME OF ALTERNATE PAYEE] (“Alternate Payee”) is the [spouse, former spouse, child, or dependent: CIRCLE ONE] of Participant, and the Court hereby awards to Alternate Payee an interest in Participant’s benefits (hereinafter “Alternate Payee’s Interest”).
7. Alternate Payee’s mailing address is:

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*Alternate Payee shall advise the Plan of any change in the above mailing address.*

Alternate Payee's social security number is: \_\_\_\_\_

Alternate Payee's birth date is: \_\_\_\_\_

8. Alternate Payee is awarded \_\_\_\_% [INSERT PERCENTAGE] of the Participant's vested Accrued Benefits in the Plan earned from \_\_\_\_ through \_\_\_\_, inclusive. [INSERT DATES OF MARRIAGE, USING ONLY FULL MONTHS]
9. If the Participant is granted or earns additional benefits with respect to the dates of marriage after the date of this Order, the Alternate Payee will receive no share of such benefits. After the Alternate Payee's Annuity Starting Date, the Alternate Payee will not share in any benefits granted to retirees.
10. Any payment to the Alternate Payee that commences prior to the Participant's Normal Retirement Age (as defined in the Plan) shall be actuarially reduced using those factors specified in the Plan for benefits payable before Normal Retirement Age.
11. Alternate Payee shall be entitled to begin receiving pension benefits from the Plan upon application to the Plan according to the Plan's administrative procedures. Alternate Payee shall not begin receiving benefits before the "Annuity Starting Date" which shall not be earlier than the date on which all the following conditions are met:
  - (a) The Plan Administrator approves a signed and filed Order; and
  - (b) Participant becomes vested under the Plan; and
  - (c) The Alternate Payee makes formal, written application to the Plan on a form provided by the Plan Administrator. A QDRO is not an application for payment; and
  - (d) The Participant attains earliest retirement age as defined under Section 414(p)(4) of the Code.
12. Alternate Payee shall receive pension benefits from the Plan as a 60-month certain life annuity.
13. If the Participant dies before the Alternate Payee's Annuity Starting Date, the Alternate Payee shall be considered the Participant's sole surviving spouse for purposes of the benefits assigned to the Alternate Payee under Paragraph 8, above. The Alternate Payee will not receive pre-retirement death benefits that are greater than benefits that would have been paid to the Alternate Payee had the Participant not died before the Alternate Payee's Annuity Starting Date. The Alternate Payee will not be the Participant's pre-retirement death beneficiary on the remaining share of the Participant's benefit unless the Alternate Payee is designated as such on a Plan beneficiary designation form submitted to

the Plan after the date of divorce. If Alternate Payee dies before his or her Annuity Starting Date, benefits assigned in this Order shall revert to Participant.

14. This Order is not intended to require the Plan to provide any type or form of benefits or any option not otherwise provided by the Plan, nor shall this Order require the Plan to provide for increased benefits not required by the Plan. Plan terms shall govern any conflict between the Plan and this Order. This Order does not require the Plan to provide benefits to the Alternate Payee that are required to be paid to another alternate payee under another order previously determined to be a qualified order.

DATED: \_\_\_\_\_, 20\_\_\_\_.

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JUDGE

SUBMITTED BY:

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Attorney for Participant

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Attorney for Alternate Payee