

SAMPLE ON PENSION – MILLMEN PLAN
JOINT AND SURVIVOR OPTION ACCEPTED

IMPORTANT NOTE: THIS IS NOT A FORM TO BE COMPLETED. IT IS A DOCUMENT TO BE USED AS A GUIDELINE IN DRAFTING A QDRO. **MATERIAL CONTAINED IN BRACKETS IS FOR YOUR INFORMATION ONLY AND SHOULD NOT BE INCLUDED IN THE ORDER. ALSO, IN CERTAIN INSTANCES, YOU MUST ELECT ONE OF SEVERAL CHOICES. EACH CHOICE IS INDICATED BY A # AND BOLD TYPE.**

State of _____
County of _____

IN THE **[INSERT NAME OF THE COURT]**

IN RE: THE MARRIAGE OF:

)	
)	
)	
Petitioner)	
)	
and)	Case No. _____
)	
Respondent)	

QUALIFIED DOMESTIC RELATIONS ORDER ("QDRO")

This cause coming to be heard for the purpose of entry of a Qualified Domestic Relations Order ("QDRO") pursuant to and in compliance with ERISA §206(d)(3), 29 U.S.C. §1056(d)(3) and the regulations thereunder, and Section 414(p) of the Internal Revenue Code of 1986, and the regulations thereunder; the Court on _____ **[INSERT DATE]**, entered a judgment relating to the provisions of marital property rights of a spouse, former spouse, or child (as "ALTERNATE PAYEE") of the PARTICIPANT's interest in the Mid-America Carpenters Regional Council Millmen Pension Fund (the "PLAN"), due notice having been given; the Court having jurisdiction of the parties and the subject matter; and the Court being advised in the premises;

THE COURT FINDS AND IT IS HEREBY ORDERED AS FOLLOWS:

- A. **SATISFACTION OF QDRO REQUIREMENTS.** It is the intention of the parties that the provisions of this Order governing the disposition and assignment of a portion of the PARTICIPANT's interest in The Mid-America Carpenters Regional Council Millmen Pension Fund or its successor ("PLAN") to the ALTERNATE PAYEE be incorporated into a judgment for dissolution of marriage, dissolving the marriage of the parties. As it is the further intention of the parties that this Order shall qualify and be deemed a QDRO as defined in Section 414 of the Internal Revenue Code of 1986, as amended, the following information is provided:

(1) The names, relationship (i.e. former spouse, child, father, etc...), Social Security Numbers, dates of birth and last known mailing addresses are as follows:

(a) _____
Participant Social Security Number

Relationship to the Alternate Payee Date of Birth

Address

(b) _____
Alternate Payee Social Security Number

Relationship to the Participant Date of Birth

Address

(2) The amount or percentage of the Participant’s benefits to be paid by the PLAN to the ALTERNATE PAYEE and the manner in which such amount or percentage is to be determined is specified in paragraph C(1) below.

(3) The number of payments or periods to which this Order applies is specified in paragraph C(1) below.

(4) The PLAN to which the within agreement applies is The Mid-America Carpenters Regional Council Millmen Pension Fund or its successor.

B. DEFINITIONS. The following definitions shall apply for the purposes of this Order.

(1) The term “Date of Dissolution” shall mean the date of the entry of the judgment dissolving the marriage of the parties. The Date of Dissolution is _____. [INSERT DATE]

(2) The term “Marriage Date” means the date on which the parties were married, which is _____. [INSERT DATE]

- (3) The term "Actuarial Equivalent" shall have the same meaning given to the term in the PLAN.
- (4) The term "Vested" shall have the same meaning given to the term in the PLAN.
- (5) The term "Marital Portion" shall mean the benefit payment multiplied by a fraction, the numerator of which is the number of Pension Credits earned by the PARTICIPANT during the marriage and the denominator of which is all Pension Credits earned by the PARTICIPANT. *[Marital Portion is customarily used if the number of the Participant's Pension Credits as of the Date of Dissolution is greater than the number of Pension Credits earned during the duration of the marriage. Delete this definition if Marital Portion is not used in paragraph C(1) below.]*

C. ASSIGNMENT OF BENEFITS AND PAYMENT PROCEDURE.

- (1) The Order awards the Alternate Payee, as shared property, a portion of the PARTICIPANT's accrued benefit under the Plan.

[CHOOSE ONE:]

The Plan will pay directly to the Alternate Payee _____ *[specify amount or percentage]* of the gross amount of each and every monthly payment, but not to exceed the full amount of such payment.

OR

The Plan shall pay directly to the Alternate Payee _____% of the marital portion of each and every monthly payment, but not to exceed the full amount of such payment.

- (1) Payments will begin on the first day of the second month following the filing of an application by the ALTERNATE PAYEE and shall continue for the life of the PARTICIPANT. In the event the PARTICIPANT predeceases the ALTERNATE PAYEE, the ALTERNATE PAYEE shall be treated as the surviving spouse of the PARTICIPANT for the purposes of the joint and survivor annuity.
- (2) In the event the ALTERNATE PAYEE predeceases the PARTICIPANT, the ALTERNATE PAYEE's portion of the monthly benefits shall revert to the PARTICIPANT.
- (3) If the PARTICIPANT's benefit is suspended for any reason, the ALTERNATE PAYEE's benefit will also be suspended until the PARTICIPANT's benefit is reinstated.
- (4) The ALTERNATE PAYEE shall have no rights as to the portion of the PARTICIPANT's benefits not specifically assigned to the ALTERNATE PAYEE under this Order. These benefits shall be paid to the PARTICIPANT or any subsequent spouse or other beneficiary either designated by the PARTICIPANT or in accordance with the provisions of the PLAN that are applicable when the PARTICIPANT does not designate any beneficiaries. The PARTICIPANT retains the right to designate other beneficiaries to receive the payment of benefits other than those assigned to the ALTERNATE PAYEE.

(5) The PLAN's Actuary will determine the Actuarial Equivalents as set forth in paragraphs C(1) and C(2) above in accordance with the PLAN's Actuarial Equivalent assumptions.

D. MISCELLANEOUS.

(1) Pursuant to this Order, the PLAN is not required to provide any type or form of benefit, or any option, not otherwise provided under the PLAN.

(2) Pursuant to this Order, the PLAN is not required to provide increased benefits (determined on the basis of actuarial value).

(3) Pursuant to this Order, the PLAN is not required to pay benefits to the ALTERNATE PAYEE which are required to be paid to another alternate payee under another order previously determined to be a QDRO.

E. SAVINGS CLAUSE. It is the intention of the parties that the provisions of this Order shall qualify and be deemed a QDRO as defined in Section 414 of the Internal Revenue Code of 1986, as amended, and that they shall be so construed and amended from time to time as may be necessary to comply with the requirements for this Order to be deemed a QDRO.

F. JURISDICTION. The Court retains jurisdiction to establish, amend, or maintain this Order as a Qualified Domestic Relations Order as defined by ERISA §206(d)(3), 29 U.S.C. §1056(d)(3), and the regulations thereunder, and Section 414(p) of the Internal Revenue Code of 1986, and the regulations thereunder.

Enter: _____

Dated: _____

Name and Address of Petitioner's Attorney

Name and Address of Respondent's Attorney

