

**SAMPLE ON PENSION – CONSTRUCTION PLAN
HUSBAND & WIFE 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 _____))
_____))
Respondent _____)

Case No. _____

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, child, or other dependent (the ~~%ALTERNATE PAYEE+~~) of the PARTICIPANT’s interest in the Chicago Regional Council of Carpenters 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 Chicago Regional Council of Carpenters Pension Fund or its successor (the ~~%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, Social Security Numbers, dates of birth and last known mailing addresses are as follows:

(a) _____
Participant Social Security Number

Date of Birth

Address

(b) _____
Alternate Payee Social Security Number

Date of Birth

Address

Both the PARTICIPANT and the ALTERNATE PAYEE have the duty to notify the Pension Fund Office in writing of any changes in his or her respective mailing address subsequent to the entry of any judgment for dissolution of marriage, dissolving the marriage of the parties. The ALTERNATE PAYEE shall have the right to designate a representative for receipt of copies of notices and other materials with respect to the Order and have the duty to notify the Chicago Regional Council of Carpenters Pension Department in writing of the name, mailing address, and subsequent changes in the name and mailing address of the designated representative.

- (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 Chicago Regional Council of Carpenters 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 _____.
- (2) The term "Marriage Date" means the date on which the parties were married, which is _____.

- (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.

C. ASSIGNMENT OF BENEFITS AND PAYMENT PROCEDURE. The PARTICIPANT and the ALTERNATE PAYEE hereby agree to the following:

- (1) The ALTERNATE PAYEE is hereby assigned the Actuarial Equivalent of **[CHOOSE ONE]** # _____ % of the PARTICIPANT's accrued benefits under the PLAN as of the Date of Dissolution **OR** # the monthly sum of \$ _____ of the PARTICIPANT's vested accrued benefits under the PLAN as of the Date of Dissolution. 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) The ALTERNATE PAYEE shall have no rights as to the portion of the PARTICIPANT's benefits not attributable to the parties' marriage nor to any increases in the PARTICIPANT's accrued benefits subsequent to the Date of Dissolution. 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.
- (3) 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

